COLONIAL PAMPHLETS

1769–1770

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REFLECTIONS

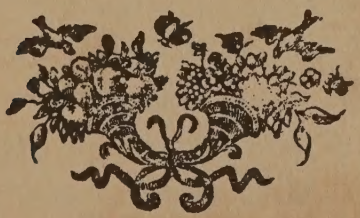
MORAL and POLITICAL

ON

GREAT BRITAIN

AND HER

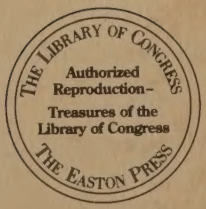
COLONIES.



LONDON:
Printed for T. BECKET and Co. in the Strand.

M.DCC.LXX.

[Price One Shilling.]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PREFACE.

THE author of theſe reflections lives generally in the country, which has prevented his ſeeing many treatiſes on the preſent diſputes between Great Britain and her colonies; it is therefore likely, that ſome of his arguments may have already appeared in print, (as the ſame objects will naturally occaſion ſimilar ideas in different perſons) but he avers, that he has not taken any thing from the works of others *knowingly*.

The

This is the true political Idea, that every Writer on these Subjects should have in View. Most of them think only of the good of a Part, Britain.

The good of the whole Britiſh empire is what he aims at: the colonies of courſe muſt come into conſideration; which has obliged him to haſten his work, that it may be printed before the parliament decides what ſhall be done in regard to them. He therefore hopes, that ſome ſlight inadvertencies may be forgiven, on account of haſte.

Having lived many years in America, he believes he is well acquainted with the manners prevalent in moſt of our colonies, as well as thoſe which are in uſe at home. That there are faults in both, he ſuppoſes, will be readily admitted; if any obſervation of his can contribute to the amendment and happineſs of his fellow citizens, his great

great end in writing will be anſwered.

His opinion of the houſe of commons is, that though the counties, certain cities, ports and boroughs, have the nomination of the members, yet the members when choſen, immediately become *ſenators of the publick*, without any reſpect to locality. They may indeed ſupport the intereſt of the particular place which elected them, *ſo far as that intereſt is conſiſtent with the good of the whole, but no farther.* When conſtituents direct their members which way to vote, it is certainly judging without hearing the other ſide of the queſtion; and ſuppoſing, that the repreſentative's conſcience and zeal for the publick, ſhould be governed by the

the opinions of the conſtituents; a point to which no man of virtue would ever agree. By conſidering the members of the houſe of commons as *ſenators of the publick*, we may conceive them to be (in a certain degree) the repreſentatives and guardians of all Britiſh commoners, whereſoever diſperſed. It is indeed to be hoped, that ſome time or other, a better mode of election may be eſtabliſhed to make the repreſentation more equal,* but till that happens we muſt abide by the preſent regulations, and ſupport the dignity and authority of the houſe of commons, (the palladium of our liberties) though the method of forming it is not perfect.

In what Degree?

Are British commoners? Are American Colonists such?

* Why don't you ſet about it?

REFLECTIONS

MORAL and POLITICAL.

PART I.

AMONG all the errors to which mankind is ſubject, none are more dangerous than thoſe which ariſe from excellencies or virtues *miſunderſtood*. As ſurely as an exceſſive generoſity will deſtroy a great fortune, or an extream frugality will annihilate the enjoyment of riches, ſo ſurely will an unlimited exerciſe of liberty deſtroy that *reaſonable liberty*, which is alone conſiſtent with *ſociety*.

In the preſent diſputes then on *liberty*, it ſeems highly neceſſary to underſtand, what ſhould be meant by the word. Mankind is certainly formed for ſociety, and could hardly exiſt long without it. We muſt therefore conſider that degree of liberty, which men may enjoy in ſociety.

Now the nature and prime end of *ſociety*, is the preſervation and advantage of all its members *equally*, ſo far as the nature of things will permit. We are not in general ſenſible of the benefits we derive from ſociety, till we happen to be deprived of them; but by reflection, we may eaſily conceive the happineſs we enjoy beyond what is attainable by ſolitary ſavages. Whilſt the ſavage is in purſuit of food, he doubts whether wild beaſts may not have deſtroyed his wife and children during his abſence, or that ſome other wandering ſavage may have carried them off; if he chances to be ſick or wounded, he apprehends his little ones will periſh before he ſhall recover ſtrength to procure them food, and that his death will be the certain occaſion of theirs. A perſon who lives in ſociety, is free from theſe racking conſiderations; the ſociety is the ſure guard of his

The Difference is not so great as may be imagined. Happineſs is more generally & equally diffuſed among Savages than in our Civilized Societies. No European who has once tasted Savage Life, can afterwards bear to Live in our Societies. The Lure of providing for artificial & fashionable Wants, The Sight of so many Rich wallowing in superfluous Plenty, whereby so many are kept poor & distreſs'd by Want: The Inſolence of Office, the Snares & Rigour of Law, the Reſtraints of Custom, all contribute to dis-

his family in his abſence or ſickneſs, the defender and preſerver of his wife and family in caſe of his death; his property is on the ſame footing. If then a good man would lay down his life in the defence of his wife and children from one ſingle evil, he ought to do the ſame for the ſociety which guards them from all, and at all times.

If then a man owes his life to the good of the ſociety, he certainly owes affection and obedience; and the ſociety owes him protection, with the allowance of every liberty that may be conſiſtent with the good of *the whole*.

The ſtrength of every ſociety, is the ſtrength of every individual united; if theſe individuals were allowed to fight among themſelves, every one that fell would be a diminution of the publick ſtrength: from hence one of the firſt laws of ſociety is, that whatever diſputes may ariſe among individuals, they ſhall not be at liberty to decide them by force, but ſubmit them to the deciſion of the ſociety, or of that power which the ſociety has appointed for ſuch purpoſes.

To obviate a number of complaints, and to eſtabliſh order, the ſociety enacts certain laws,

conformable to the ſituation, climate, and circumſtances of the country it inhabits, that the ſubject may know what he is *to do*; it alſo declares, that murders, rapes, &c. ſhall be puniſhed with death, other crimes of leſs malignity with baniſhment, &c. that the ſubject may know what *he is to avoid.*

It is impoſſible for laws to curb every ſpecies of fraud or violence; the direct objects of human laws are actions, and actions of ſome moment, with a conſideration of the *intent*, ſo far as it may be gathered from circumſtances and probabilities, which are often defective or ambiguous.

To prevent the infinite differences that may ariſe between men, nothing is ſo effectual as morality, which not only binds the minds of men more firmly to the publick good, but alſo attaches them to the welfare of every individual. It is the only natural cauſe of confidence between man and man, and conſequently the only ſure band of ſociety.

If then morality is indiſpenſably neceſſary for the good of the ſociety, it follows, that liberty muſt be enjoyed in ſuch degrees only,

as morality preſcribes. Now juſtice is the chief part of morality. The golden rule of *doing to others, as we think would be juſt if done to our ſelves in ſimilar circumſtances*, is an idea which ſeems innate to mankind, at leaſt it is no ſooner propoſed than aſſented to by all people. It is true, it is often tranſgreſſed through the paſſions of men: and theſe tranſgreſſions have created the neceſſity of penal laws, to deter delinquents by fear of puniſhment, ſince their paſſions are too ſtrong for their virtue, and unjuſtly detrimental to others. Penal laws are then ſo many ſupplements to the want of morals, but they do not promote morality. It is the mind and intention that conſtitute the moral man, which human laws cannot directly reach; yet ſtates have the means of great influence over the minds of men, by a ſteady and judicious diſtribution of honour and diſgrace. The generality of mankind have not time (nor have all capacity) to form their conduct in life from the ſtudy of Ethicks: but they obſerve, that ſuch and ſuch manners procure credit and eſteem, and that a contrary behaviour produces contempt. If virtue is the means of acquiring reſpect and conſideration, they naturally follow it, and bring up their children

children in the ſame way: if riches are the only road to preferment, they naturally take the ſhorteſt way to obtain them, *viz.* by fraud, and by every indirect method not particularly guarded by law. In ſuch circumſtances their ſtudy would be, not how they ſhould obey the laws for the publick good, but how they ſhould evade them for their private advantage: there would be little confidence between men, becauſe each would regard his neighbour as a rival, deſirous of over-reaching him; and the publick liberty would ſoon fall, when there was no union among the ſupporters of it. In caſe of general corruption, our laws would become uſeleſs, being founded on the ſuppoſition, that every citizen is virtuous, unleſs there is poſitive proof to the contrary. One of our great privileges is that of being tried by a jury of our peers; if theſe peers were generally ſuppoſed capable of being corrupted, who would ever conteſt a cauſe againſt a rich man? The only reaſonable confidence an Engliſhman has then for the ſecurity of his life and property, is the juſtice of his cauſe, and the integrity (i. e. the morals) of the jury. If we conſult hiſtory, we ſhall find of what conſequence the ancients thought morals by their making them the principal

principal part of education even from childhood. Their laws corrected immorality ſo far as laws could operate conſiſtent with liberty; and where laws could not reach, they even gave up part of their liberty to preſerve morals, (for on this was founded the authority of the Areopagites among the Athenians, of the Ephori at Sparta, of the Cenſors at Rome).

The chief remains of this kind of moral juriſdiction among us, are the thanks or cenſure of the Houſe of Commons, together with the expulſion of ſuch of their own members as appear unworthy: Take away this power, and vice (except crimes ſpecified by law) has no check, but publick opinion. If the Houſe of Commons was to be over-ruled by either, or both the other branches of the Legiſlature in matters relating to its own members, it would immediately fall into contempt, and the dignity of every Britiſh commoner, would fall in like manner.

I believe it will from hence follow, that liberty is not endangered, but on the contrary, rendered more firm and permanent, when regulated

gulated by morality; and conſequently, that there is no real cauſe of fear for liberty, from a late expulſion, reſolved upon in an aſſembly repreſenting all the Commons of Great Britain, after a legal conviction of crimes.

From the noiſe however that has been made about it, and ſome accidents, which formerly would only have been looked upon (in their true light) as caſualties, it ſeems there was a diſpoſition to complain; and where that is the caſe, men catch at the firſt ſhadow of a reaſon to expreſs their diſlike. Few common people are capable of comprehending the various intereſts which muſt interfere in ſo extenſive an empire as that of Great Britain; and each would have his own preferred in particular. The Parliament muſt arrange them in ſuch manner as may beſt contribute to the good of the whole. There is alſo a great public debt to be diſcharged, and taxes are the neceſſary conſequence.

There may be alſo ſome of our laws, which though well deſigned at firſt, yet by the introduction of new manners, and change of circumſtances, may have eventually ſoured the diſpoſition

diſpoſition of many people, corrupted their manners, and prepared that ſpirit of diſcontent which now ſhews itſelf.

If morality is neceſſary for the well being of the ſubjects *inter ſe*, it is no leſs ſo for the ſtate itſelf, to comply with the duty of juſtice, by punctually paying its debts when they become due; this is much more eaſily done when there is plenty of money in the country, than when it is ſcarce. To diſcharge then the national debt in the eaſieſt manner to the ſubject, the ſtate encourages commerce, ſo far as it is of uſe to the publick, and muſt guard againſt the abuſes of it in the beſt manner it can. Commerce in itſelf is not repugnant to morality, but it expoſes the practitioners to ſo many temptations, and attaches their minds ſo habitually to their own private intereſt, that there is the leſs delicacy to be expected from them in reſpect to the publick. Hardly any one follows trade but in the hope of making a fortune ſpeedily, and then leaving off; and from hence, traders are very apt to prefer a preſent advantage of their own, to what may be ſerviceable to trade in general at ten years diſtance, before which time they hope to have

compleated their fortune; on the contrary, 'tis the intereſt of the publick to make the trade itſelf permanent. The intereſts of merchants then, are often oppoſite to thoſe of the publick; for theſe reaſons merchants ſhould be heard and ſupported in what is for the publick good, and conſidered as very uſeful ſubjects, whilſt they act conſiſtent with the publick advantage; but ſhould have no weight as a body in what regards the conſtitution and dignity of the ſtate.

Since riches are in ſome meaſure neceſſary for us, we muſt be content to take them with their inconveniencies of luxury and avarice. 'Tis hardly poſſible to obviate all the ill conſequences that wealth brings with it without hurting liberty; ſome of them have been creeping upon us by degrees theſe many years, which were probably not foreſeen at the beginning. If I was to fix on the time when riches began to do us moſt injury, I ſhould place it in the year 1709, when an act was made to ſhut every one out of the Houſe of Commons, who had not 300 l. per annum in land, the members for Scotland, and the two Univerſities, excepted. This

was

was in effect giving honour to wealth, and had the appearance of computing the abilities and integrity of the Engliſh, by their poſſeſſions. I know very well that the Athenians and Romans required a certain fortune in their ſenators: but that inſtitution was checked by another, viz. that they were to undergo a ſtrict examination as to their abilities and moral conduct. They enquired not only into their eſtates, but alſo by what means they increaſed or diminiſhed them; they alſo required a certain age, or the having paſſed through ſome publick employments with credit, as a qualification in their ſenators; ſo that their characters were well known before they were admitted. Take theſe qualifications all together, and they amount to probity, experience, ability, and wealth; the citizens had conſequently the greateſt confidence imaginable in a ſenate ſo compoſed. Our form of government, and the extent of it, do not give the ſame opportunities of knowing the true characters of men, but when the Parliament, in 1709, followed the ancients in reſpect of wealth, it is to be wiſhed it had gone a ſtep farther at leaſt in reſpect to age.

The moſt probable reaſon for making riches a qualification in ſenators, is, that having an aſſured ſubſiſtance, they may be able to employ their whole time and attention in the diſcharge of their public duty, and that their eſtates may be a ſort of ſecurity to the publick in caſe of miſbehaviour. Theſe were the chief advantages propoſed by the law, as we may ſuppoſe, (for it has no preamble) to which may be added, the excluſion of the favourites of the mob, who might, in time of faction, be returned as members.

There is another law, reſpecting pecuniary qualification, which bears hard both on liberty and property, and is almoſt daily put in force, and whoſe chief object is of no great uſe to the publick, I mean the game-act. Let us ſee now the inconveniencies which have ariſen from theſe regulations, and how the common people, that is, the bulk of the nation, are affected thereby.

In the time of Henry the VIIIth the nobility (who had been led into vaſt expences by attending that king to France, and by following the extravagant faſhions of his court) were

were obliged to ſell part of their lands, for payment of their debts: many of the church lands were alſo ſold, both which fell chiefly into the hands of commoners, as the nobility in general were unable to purchaſe. This occaſioned a new ſet of gentry in moſt parts of England, who having no ancient patrimonial intereſt in the county, endeavoured to make themſelves eſteemed by their new tenants and neighbours; this naturally procured them influence among the freeholders. The old families, (which uſed to carry every thing before) would not be out-done by the new comers, and this conteſt naturally produced good effects for the common people; every one was then eſtimated, not according to his rent, but the influence he poſſeſſed, which chiefly depended on character.

Old tenants were looked upon as clients to the family, and treated accordingly; the tenants looked upon their landlord as their friend and patron; and all the neighbourhood ran to the great houſe, either for aſſiſtance or advice. The gentleman generally reſiding on his eſtate, his behaviour was the model, on which the freeholders, yeomen, copyholders,

and

and farmers formed theirs: The common people followed of courſe; what alteration the civil war might make in the days of Charles the Iſt. or the debauchery of the reign of Charles the IId. I cannot ſay, but am apt to think they did not alter the manners of the country in general.

But when the right of ſtanding to repreſent a county was veſted in thoſe only who had 600l. a year, the ſcene was changed: the leſſer ſort of gentry were thrown out of the queſtion, or were only of uſe as ſubordinates: then every one endeavoured to make the moſt rent he could of his eſtate: influence or good opinion was of little uſe, unleſs it was influence in a borough: the rents were raiſed, and the old tenants turned off, unleſs they would give the utmoſt the lands would bring. Within theſe thirty years it has become a practice to throw ſeveral little farms into one great one, to ſave the expences of buildings and repairs: the former occupiers of theſe little farms are diſperſed, or become labourers to the great farmers. Nor is there any friendſhip ſubſiſting between the landlord and his great farmer; they ſtand on the hoſtile

hoſtile footing of debtor and creditor; ſure on both ſides, that the landlord keeps his preſent tenant only becauſe he cannot get another ſo advantageous, (ſecurity, and perhaps a vote included) and that the tenant will do as little for the eſtate as poſſible conſiſtent with law: the farmer's ſons and family go on in their father's ſteps; as they are preſſed in point of rent, they alſo oppreſs their ſervants and labourers, who of courſe become equally ſordid and rapacious.

The game-act is alſo a law of excluſion to every one but the lords of manors, and poſſeſſors of 100 l. a year; this, with the fiſh-act, has, in effect, forbid every body to amuſe themſelves in the country who has not 100 l. a year in land; nay worſe, it has ſeemingly (but I hope not in fact) given a power to the lords of manors to take away the property of other ſubjects by *violence, and for their own uſe*. Our laws (I believe) do not allow the exerciſe of civil power (except that of detaining) to any ſubjects, but thoſe who derive it either immediately, or remotely, from the crown; manors are bought and ſold every day. Before the year 1709, when it was cuſtomary for gentlemen

gentlemen to *reſide* upon their eſtates, and their moral character was of greater uſe to them, the game laws were employed chiefly againſt poachers and thieves; and conſequently did not affect the generality of tenants; on the contrary, the tenant was glad to preſerve the game for his landlord's amuſement, and occaſionally for his own. At preſent the caſe is altered; no gentleman can live comfortably in the country who has not 100 l. a year in land, let his fortune be what it will in other reſpects; the rewards, always ready to be given to informers (of this kind) have produced treachery and diſtruſt among the common people, and have probably driven numbers of the middling ſort out of the country, whoſe fortune was under that ſum. By the departure of theſe middling people, many ſmall freeholds have been ſet to ſale, which from the diſadvantages of the game-laws, bad neighbours, &c. were of little value to other purchaſers, but very good bargains to the lords of manors. From hence if we look ſome forty years back, we ſhall find in every county that landed property has been conſtantly drawing into fewer hands. When I impute the accumulation of eſtates to the qualification acts, I do not ſay they

they are the *ſole* cauſes; other laws and cuſtoms have co-operated with them; for inſtance, the marriage-act, &c.

Within theſe 30 years there were ſtill many checks on vice in the country, by a number of ſmall freeholders who lived on their eſtates, and many copyholders. To this ſort of people, character was extremely neceſſary; and their behaviour was naturally imitated by the common people, to whom they were generally aſſiſting in caſe of ſickneſs, or of diſputes in law. Since that time, the freeholders are much diminiſhed; and the copyholds have ſeldom been renewed, but as they fell into the lord's hands, have been ſet at ſhort leaſes, or at rack-rents.

The dimunition of freeholders has brought on another great inconveniency, viz. the want of proper people to ſerve as juſtices of the peace. The great poſſeſſors of land ſeldom reſide long in the country; to ſupply the deficiency, the clergy are frequently inſerted in the commiſſion. There is an apparent difference between the divine and human laws. A clergyman, *as miniſter*, tells his pariſhioner that he muſt for-

give injuries; as *juſtice of the peace*, he tells him he muſt proſecute them; and if the complainant refuſes, he muſt, in ſome caſes, compel him. I do not ſay, that there is a *real oppoſition* between chriſtianity and our laws, but the ſame perſon acting in both departments is detrimental to one at leaſt. The buſineſs of the clergyman is to adviſe, reprove with mildneſs, convince, and perſuade, (the only methods, *with example*, to make people virtuous). To execute this duty effectually, he ſhould be on terms of friendſhip with all the pariſhioners. The office of juſtice muſt unavoidably embroil him with many families, ſince (to executè it faithfully) he muſt give trouble to ſome of them, their children, or relations.---Behold a party againſt him! his conduct, both as miniſter and juſtice, arraigned!---The people dare not apply to him as a counſellor, or mediator, on ſome occaſions, in which, perhaps, as a juſtice, he would be obliged to commit both parties. I purpoſely omit other evil conſequences, becauſe I believe the clergy, in general, do not act as juſtices through inclination, but merely to make up the deficiency of the laity.

If

If this is the true ſtate of things, it appears that the common people are now in a worſe ſituation than their fathers were, not from any new laws, (except, perhaps, the marriage and fiſh-acts,) but from the change of manners and cuſtoms, which have eventually proceeded from old ones. They are uneaſy, but not diſaffected; the more ſimple are ready to catch at, or be caught by, any thing that bears the name of LIBERTY. Others, more ſenſible, do not give into theſe wild notions; but as they ſee nothing likely to be of real ſervice, nor any thing that threatens immediate danger to liberty, they are not anxious about the event; and yet perhaps there never was a criſis in which the rights, the honour, dignity, and treaſure of Great Britain were more at ſtake, than at preſent.

This parliament and miniſtry have been vilified by all means poſſible, becauſe they have ſupported the pre-eminency of Great Britain over her colonies, and would oblige them to contribute to the publick expence,[x] which lies at preſent on Great Britain. The coloniſts do not approve of this, and threaten us with

A vague Word

Why, ſhould you oblige thoſe that never were unwilling? Only return to the ancient Method of Requiſition, and you would have their Contributions as uſual.

the loſs of trade, if their extravagant and unjuſt demands of exemption from parliamentary taxations, are not complied with: from hence the trading people are alarmed; the fear of loſing a preſent advantage makes them overlook the evils that are more remote. The coloniſts, by their emiſſaries, keep this apprehenſion alive, and by applying the words of ancient laws to their own caſe, (which is totally different from the objects which thoſe laws had in view) have made many believe that they (the Americans) have been unjuſtly treated.

As this parliament came to reſolutions laſt ſeſſions to ſupport the dignity and authority of the parliament of Great Britain over all Britiſh ſubjects, they (the coloniſts and traders) cannot expect to carry their point whilſt this parliament ſubſiſts; they, therefore, deſire a new one; in which they hope to get ſeveral of their friends elected, in order to allow the coloniſts to do as they pleaſe; the reſult of which would be, that the burthen of all public debts and charges of government ſhould lie on Great Britain alone.

To effectuate this, the merchants have influenced the traders and manufacturers in the country, to ſign petitions for a diſſolution of parliament; but as the intereſt of the traders would not be ſufficient to procure great numbers of names among the landed people, and would be too bare-faced an avowal of their motives, they have pretended the expulſion or non-reception of Mr. Wilkes, as the cauſe of deſiring the diſſolution of the parliament; aſſerting, that the freedom of election has been violated by the preſent Houſe of Commons in that affair. This has induced many landed people to ſign petitions, and more of the lower ſort, who (from the cauſes I have before mentioned) are uneaſy in their preſent circumſtances, and hope a change of men may procure them ſome advantage.

If the Houſe of Commons is the only part the people have in the legiſlature, it is certain it ſhould have all the power and independency that the nature of its inſtitution will permit; otherwiſe how could it defend the rights and intereſts of the Commons againſt the power of the crown and nobility? it muſt then have a power of puniſhing (ſo far as expulſion) any of its

its own members, when their behaviour has given occaſion of ſcandal *. The courts of law expell an unworthy lawyer from the bar; the ſpiritual court degrades (i. e. expells) an unworthy clergyman; and ſhall the great aſſembly of the Commons of Great Britain not have the ſame juriſdiction? It will be ſaid, in anſwer, we allow the expulſion; but we complain, that Mr. Wilkes was not admitted when *re-choſen* by a majority of voters in Middleſex. That is to ſay, it is a grievance, if the majority of the voters in Middleſex cannot in effect over-rule the reſolutions of the Houſe of Commons; for to expell a member one day, and to be obliged to receive him the next, would be allowing the ſuperiority on their ſide; it is the voters ſaying, "We chuſe repreſentatives to make "laws for us, and they ſhall have ſeats, let "their morals and behaviour be what they "will: it is true, this may lower the dignity "of the Houſe of Commons, but what is that "to *us*, if compared to our own importance as "electors of Middleſex?"

Some

* The power of expulſion on juſt cauſes, is not only advantageous to the Houſe of Commons, but alſo to the Conſtituents, ſince it is the only means (except a diſſolution) by which they can get quit of a repreſentative, whoſe conduct ſhould alter from what it was, when he was elected.

Some have objected, that in the expulſion of Mr. Wilkes, certain words were left out, declaring him incapable of being re-choſen. But to harp upon words (except ſuch as the common law has ſpecified, and which have no application here) is puerile, eſpecially where the reaſon and nature of things is againſt us: beſides the words alluded to, were entirely unneceſſary after the ſecond return and expulſion of Mr. Wilkes.

The Middleſex petition ſeems to confirm what I have ſaid, in regard to the traders endeavours to procure a new parliament, that ſhall declare the coloniſts independant of the Britiſh parliament, (at leaſt as to taxes). I have read of an artful miniſter, who, in his diſpatches, uſed ſometimes to mention the principal buſineſs in the poſtſcript, that it might ſeem not to have occurred to his memory, till juſt as he was cloſing the packet. The Middleſex petition has exactly that appearance, after enumerating and exaggerating every trifling pretence for uneaſineſs to inflame the *landed people*, it mentions in *the laſt article*, that " evil counſellors have " occaſioned to our ſuffering fellow-ſubjects in " America, grievances and apprehenſions ſimi-

" lar

" lar to thoſe we complain of at home!" The conciſeneſs of that article was very neceſſary; had it been fully explained, it is very probable the petition would not have had near the number of ſubſcribers it has at preſent.

N. B. To prevent ſiniſter interpretations of my meaning, I think it neceſſary to declare, that when I mention the merchants, traders, coloniſts, &c. I mean the violent leaders and chief agents. In every party there are great numbers who know little of the matter, and only follow what the chiefs propoſe, and are conſequently innocent of any ill deſign. I do not ſuppoſe merchants and traders in general to be indifferent to the good of their country, nor all coloniſts to be independants in government; but in order to be underſtood, without circumlocution, I muſt make uſe of the common terms.

As I am now come to the affairs of the colonies, it is incumbent on me (after what I have ſaid) to ſhew my opinion of their claims to independancy, with what I take to be their real ſituation. So much has been ſaid already upon the ſubject both Pro and Con, that it will

will be difficult to produce any thing new: but perhaps it may be conſidered in a different light by one who is of no party, but that of the publick; who does not know any of our prime miniſters for theſe ten years paſt, not ſo much as by ſight; and who looks on every Britiſh and American ſhoe-boy, or charity-child, as his fellow citizen, whoſe aſſiſtance he or his poſterity may one day ſtand in need of.

PART II.

THE colonists found their arguments, not on the letter of the law, but (as they say) on the spirit of our constitution. They alledge, that having particular charters to hold assemblies, they owe no obedience to the British parliament in point of taxes, because they are not represented there. They acknowledge the King *personally*, but seem to have little regard to him as the executive power of Great Britain. They allow, that Great Britain has been so generous as to spend an infinite quantity of blood and treasure,[x] to procure them secure settlements in America, and to supply them with great numbers of its useful and industrious families; in return for which, the colonists have taken such manufactures from Great Britain, as they wanted, *out of pure good will*; but now some of them will take no more, unless Great Britain allows them independent of the British parliament, in a most essential point; and submits to take the whole national debt on herself.

He is the executive Power of Great Britain in Great Britain. In the Colonies he is the Executive Power of the Colonies; i.e. in each respectively. —

and all your Colonies.

[x] This is a most iniquitous Amount brought up against the Colonies. It might with more Propriety be brought against the Clothiers of Yorkshire & the West, or the Smiths & Cutlers of Sheffield, or the Button-makers of Birmingham. War, is not to secure & extend their Trade, & the Wool

In anſwer to theſe pretenſions, let us conſider on what footing the coloniſts hold their lands,—on the ſame with us who live in Great Britain; we all hold them from the crown. Was Hengiſt then proprietor of all the lands he governed in England? no, but they were put into his hands to be divided among his people in ſuch manner, as ſhould beſt ſuit their manners, cuſtoms, ſituation and intereſt. They had conquered a country; they were to keep it by arms. Every Saxon had a certain ſhare of land, and was to take arms when ordered; and officers were appointed in each diſtrict to aſſemble and command them: over theſe inferior officers, other of greater dignity was placed, and all were ſubordinate to the King, who was commander in chief. The lands were then in fact the pay of the army: if a Saxon miſbehaved as a ſoldier, he had no right to his land; he was diſmiſſed, and the land given to another (probably his ſon if he had one), who would do his duty better: the holding lands of the King then, was on condition of fidelity and obedience for the ſervice of the public. Every certain portion of land was to furniſh a ſoldier. When a landholder died without heirs, the land reverted to the crown, not for the benefit of

the King's privy purſe, but in order to beſtow it on ſome other who ſhould do the ſervice; that the public ſtrength might not be diminiſhed. It is alſo highly probable, that the Saxons, having more land than they could cultivate, allowed the Britons (who had ſubmitted and became their ſubjects) to hold lands under the condition of rent or ſoccage, though they would not immediately admit them to the uſe of arms: and when their empire was firmly ſettled, and they had leſs occaſion for ſoldiers, it is likely they gave lands in ſoccage to the Saxons families as they encreaſed: but the condition of all land-tenures was fidelity and obedience to the ſtate.

Who is a British subject.[2]

Whatever Britiſh ſubject holds lands of the King, then holds them for the benefit of the Britiſh publick in the firſt place: in the ſecond place, he holds them according to the political ſituation of the country in which the ſaid lands lie. The Iriſh are Britiſh ſubjects; they keep a number of troops, and have ſettled certain revenues at the diſpoſal of the crown; no more is required but on extraordinary occaſions. But the Britiſh legiſlature extends itſelf to Ireland, when it ſees cauſe.[x] Ireland itſelf is then

Every subject of the King such? Then Hanoverian are British subjects.

This may be the Case in Britain. It is not in Ireland. The Irish are Irish subjects.

[x] That is, it usurps wherever it can.

then dependant on Great Britain. The perſons indeed of the natives are free; they ſhare the ſame liberty and privileges with thoſe of Great Britain, but their landed poſſeſſions and trade muſt follow the political ſtate of the country, that is, dependance on the ſuperior power. *The Superior Power in Ireland is the King and their Parliament.*

The chief view of Great Britain in eſtabliſhing colonies in North America was, to promote trade with the Indians; and to furniſh us with ſeveral articles of commerce which America produces. The extenſion of dominion (farther than might be neceſſary for the planter and merchant) was not the national ſcheme: the coloniſts have partly inverted this deſign, by extending their ſettlements; and begin to talk as ſtates diſtinct and independant; for, according to their language, dependance is ſlavery.

Great Britain a Nation had no such Vicar. The Parliament was not of any Expe gave no Direction were not so much conſulted about Settlement of Colon before Geo. III "hu

If dependance in politicks is ſlavery, there can hardly be any liberty in the world: even the Great Turk, abſolute as he is, muſt depend on ſomething. In all commonwealths, the deciſion of affairs depends on the majority; in every family ſomebody muſt direct, and others obey; in the Britiſh empire ſome

British Empire, a vague Expression. All thoſe Writers (almost all) confound themſelves & Readers with Idea that the British Empire is but ONE State; not con ſidering or knowing that it consists of many States in one Sovereign. The is of Great Britain (formerly two, E. & power

power must lead, and the rest of the nation follow.[x] If the law of nations allows men to treat a conquered country as they please, (consistent with humanity and justice) the right of original property, the creation of a colony, and the supplying it with people, must give a much better title to jurisdiction and superiority. The independency affected by the Americans, is what our old laws would give a very bad name to; the parliament will tell us what to call it *now*.

The arguments of the Americans run generally on the false position, that their American institutions and possessions give to their assemblies *alone* the right of granting or refusing supplies in those countries, *for the service of the state*, which right the British parliament enjoys in Great Britain. To grant money for *the publick service of the colony*, seems the extent of the assemblies authority.[x] To grant money for the *publick service of the British empire at large*, is the right of the British parliament. 'Tis hardly in the nature of things, that fifteen or twenty independant assemblies, in different latitudes, and at great distances, should ever agree[x] in one measure of government,

[x] This is the case in every single State

The British Nation had no original Property in the Country of America. It was purchased by the first Colonists of the Natives the only Owners.

The Colonies not created by Britain, but by the Colonists themselves.—

The People had work with the Nation nothing to send them there; they went at their own expence

5 G. II. c. 7. & Geo. 2. exempted & to this we owe many People like [illegible] or wool away.

[x] Why then have you applied this General Grant, heretofore —

[x] They have agreed heretofore, why not again. How many Wars have they join'd in with Britain? Did ever any of them refuse?

ment, and if they were not unanimous, what must be done with those who dissented?---such a society could hardly subsist a twelvemonth. If the reason of things then requires, that one power should preside, and the rest obey, it will follow, that neither the Americans, nor Irish, should have votes in the British parliament. All dependencies have some peculiar interests of their own, which the British parliament, as the common moderator, must regulate in the best manner possible for the good of the whole: the interest of one dependency must sometimes interfere with that of another; if they had each votes in parliament, they would be both parties and judges; which is against reason and order.

But, say the colonists, what security have we that the British Parliament will not at some time or other oppress us, who live at such a distance, and are not personally known in England?---In answer, it may be said, that when greater burthens are laid on the colonists, (all circumstances considered) than on their fellow subjects at home, it will be no secret; nor will

will it be the intereſt of the publick ſo to do, whilſt you act as faithful ſubjects; nor can you have better ſecurity in the nature of things, than that a parliament, which ſhould unjuſtly attack your liberty, would give immediate apprehenſions to your fellow ſubjects at home.[x] Beſides, the amount of the taxes may be fixed in proportion to what is paid at home, and the manner of raiſing it be left to the coloniſts under certain reſtrictions; but it is not the mode of taxation that the coloniſts complain of, it is the right itſelf they conteſt.

According to their notions, Great Britain may provide and protect eſtabliſhments of her ſubjects in foreign parts, for the *advantage of the ſaid ſubjects perſonally*, but cannot make any foreign ſettlement for her *own advantage*,[*] nor extend her juriſdiction beyond the limits of the iſland of Great Britain.

Our old original laws, indeed, were calculated for England, which was all the land we then poſſeſſed: as our dominions encreaſed, our law was extended in like manner into Ireland and Wales.[xx] When we had eſtabliſhments in more ſouthern latitudes, the ſame

[x] A very poor Security, indeed! What would Theſe Apprehenſions ſignify? Many here have long had them already: but if we could thereby prevent Taxation, we ſhould be told that People in England are meerly led, Scotland does not pay it. Here, juſt as we complain of not being repreſented we are told that many People in England are not repreſented. Then you argue from a Wrong to an Injury. But can we truſt you, who live at ſuch a Diſtance from us? when you are not at the one another

[xx] Adopted by them. — No Power can make Laws for Peoples if it was repreſented.

[*] She may if ſhe thinks fit. But ſhe is not to apply to her own Advantage unjuſtly foreign Settlements made by others.

same law continued, and still continues in force; with such additions and variations, as the different climates, remoteness from the seat of government, and the peculiar situation of the colonists, (with regard to their Indian, or other neighbours) required, for the publick good. These alterations arose necessarily from the nature of things, and were intended for the benefit of the colonists, on the supposition, that they were true and loyal subjects of Great Britain.

They are now on as secure a footing, as the subjects who dwell in England: what injustice is there then in subjecting them now to *proportionate taxes*, with the rest of their fellow subjects? The *injustice*, indeed, would be to all the British subjects at home, if the *Americans* were suffered to remain *untaxed*; since 'tis those at home, who must make up the deficiency of the Americans.

When I say *proportionate* taxes, I do not mean the *same:* there is a wide difference, not only in the produce of our several colonies, but also a very great one in the expence of culture: so that an indiscriminate tax, of so much

much per cent. on their produce in general, would not be juſt. Regard muſt alſo be had to the healthineſs, or unhealthineſs of the country, and the dearneſs or cheapneſs of the neceſſaries of life. As many people in England do not know theſe differences in our colonies, it may not be amiſs to give a ſketch of them; for the climates they are ſituated in, neceſſarily occaſion ſome variety in the manners and intereſts of the inhabitants.

Nova Scotia, New England, (including the governments of New Hampſhire, Maſſachuſet's Bay, Connecticut, and Rhode Iſland) New York, New Jerſey, and Penſylvania, are all healthy countries. Their chief produce is corn, cattle, fiſh, and flax ſeed; proviſions are therefore plenty: the people marry young, and increaſe faſt: as the white people can work in the fields here, they have not occaſion for many negroes; they are conſequently ſtronger in white people than the provinces farther ſouth.

Maryland and Virginia produce chiefly tobacco, and are pretty healthy; but as moſt of their field-labour is done by negroes, they are not

not ſo populous as the more northern colonies, though they rather encreaſe in white people than diminiſh, and proviſion is not dear.

The two Carolinas, Georgia, and Florida, being ſtill more to the ſouth, are unhealthy; the white people (taking the whole together) do not encreaſe: their produce of rice and indigo is more valuable than any other on that continent. The field-labour in theſe colonies is generally done by negroes.

All theſe colonies beſides produce timber, maſts, tar, pitch, &c. with ſome mines of iron and copper.

In the Weſt-Indies our Iſlands produce ſugar, rum, cotton, coffee, and other valuable articles: the field-labour there is totally done by negroes: the climate in general unhealthy; the white people being ſubject to violent inflammatory diſorders, which are often epidemical: were it not for the frequent ſupply they receive from Great Britain, Ireland, and the northern colonies, it is probable the white people would be extinct in a century or two: proviſion and cloathing are very dear; and they

are at great expence in building houſes, mills, &c. which are often thrown down by floods or hurricanes.

From this ſketch it appears, that the ſtrength of our colonies lies northward, and the riches to the ſouthward: the produce of the northern colonies is more ſure, and collected with little expence; that of the ſouth more precarious, and raiſed at a great one; for the negroes, eſpecially in the Weſt-Indies, always decreaſe (as may be known by the conſtant importation of ſlaves from the coaſt of Africa,) and the wages to indented ſervants muſt be in proportion to the expence of feeding and cloathing them, and alſo to the unhealthineſs of the climate.

This diverſity of climates and circumſtances occaſion a difference of education and manners. Thoſe to the north live chiefly on their own grounds, the produce of which they ſend to the merchants for exportation. As they commonly have large families, and their produce not being very valuable, few can afford to give their children a liberal education; after a ſhort ſchooling, they put them either into a mercantile way, or upon a piece of land (moſtly unculHow ſevere the Winter is! There are no Negroes either in the Northern Colonies viz. Cambridge in New England, Rhode Island & Connecticut Do. New York, N Jersey, Philadelphia, Williamsburg in Virginia, & Georgia.

uncultivated). As they have little diſtinction among them, except what ariſes from wealth, learning and politeneſs of manners muſt not be expected: they are very quick in diſcerning what regards their own particular intereſt, by which criterion they judge of public meaſures. Being moſtly freeholders, and their elections frequent, they think themſelves of great importance; and generally ſuſpect that their governors, and people in power, enrich themſelves clandeſtinely out of the publick money: in their elections of aſſembly-men, it is not the *ſenſible and honeſt man*, who ſucceeds by telling them candidly the *truth* (perhaps againſt their pecuniary intereſt), it is the violent, noiſy canditate, who flatters their prejudices, and abuſes the governor, that carries the day. From hence the character of a gentleman is rare to be met with in theſe provinces; thoſe who really are ſuch, living moſtly retired; except perhaps in towns, where they find ſome of their own way of thinking: at preſent a real gentleman (in which title that of a good Britiſh citizen is included) muſt either hold his tongue, or ſpeak his ſentiments at the riſk of being inſulted. *a Colonist that thinks the Parliament has a Right to tax him. There is no such Man.*

As learned & polite, and more so, than any Part of Britain, for their Numbers.

Never without Cause.

Another Instance of this Ignorance. Should Candidates for being an Assembly-man as past the Practice in New-England.

* No Gentleman that knew the Country would say this

A British Citizen in this Idea is

In

In Maryland and Virginia, the produce being richer, and the families in general not ſo large, the planters can afford to give their children a better education, and ſeveral are ſent for that purpoſe to Great Britain: but they return back too ſoon (which indeed is the common fault in the education of our young coloniſts) yet what they do acquire in England, gives them a ſuperiority over thoſe who never were out of America. From hence, the gentry have more influence in theſe provinces, than in thoſe to the north; but the power they have over their negroes, gives them a certain haughtineſs which makes them ſometimes forget their ſtate of Britiſh ſubjects and coloniſts: and the revenue ariſing to Great Britain by the duty on tobacco, augments their opinion of their own conſequence; as they have more white people than any of the other colonies *where negroes are chiefly employed*, they are the more ſecure; which probably encouraged the Virginians to talk of Great Britain as their *ſiſter ſtate*.*

No meaning. Or none to the Purpoſe.

2d. When & where? The Common Expreſſion in the Mother Country.

The two Carolinas and Georgia are in much the ſame ſituation, except that the country being leſs healthy, they have fewer white people, and are, conſequently, leſs ſecure from the

inſur-

insurrection of their slaves. They have also more Indians at the back of their settlements; they lie nearer the Spaniards; and in general cannot flatter themselves as to their safety, but by the assistance of Great Britain and the neighbouring colonies.

When did Gr. Britain ever afford any Assistance to Carolina? Never were any

The colonists in our sugar islands, as their families are seldom large, and their produce rich, generally send their children to England for education; when their fortunes enable them to have the best masters, and to keep what company they please, their manners are consequently more elegant, and their thoughts less confined. The command they have over their slaves, and the revenues arising from the duty on sugar, gives them high notions of their own importance. The severe discipline they keep over their negroes, and perhaps the climate makes them violent in their resolutions and in party matters: at the same time they know they have no other security for their possessions but the protection of Great Britain; being surrounded by French and Spanish territories, and that the slaves on their own lands exceed them in number, as ten is to one. It is the terror of the European strength, which keeps the slaves from rising;

English Troops there before the last War. ——

Would you say, the People be- and the Duke

rising; we see they now and then attempt it, even though they know there is such assistance in reserve; what would they not do, if the colonists were independant, and had no other defence than their own persons?

* The poor Creatures know no more of the Existence of such Strength than of a Strength in the Moon!

I think, there is another obvious difference in our colonists: those who reside in unwholesome and disagreeable climates, and in the midst of slaves, remain only to make fortunes: they look upon their stay there as a preparative to their living with more affluence in Great Britain, or Ireland, which they consider as *home*: in this state (generally speaking) are our colonists of the West Indian islands, Georgia and the Carolinas.

Quite ignorant of these Countries —

From Virginia northward, the continent is healthy, and not disagreeable to those who are natives: the colonists there live in more affluence than they could in Great Britain; they are not apprehensive *now* of the French, nor Indians; and consider their plantations as their *home*, and the people of Great Britain as a check upon them, who limit their trade in favour of the good of the whole, of which the common people have little conception.

Never were apprehensive of the Indians, nor much of the French: since much exposed to danger from the Indians now as ever.

* Neither the common People nor any other can have much conception, that these limitations are for the good of the whole, which they see evidently calculated for the Benefit of Great Britain only, & to the Prejudice Dam of the Colonies.

All the coloniſts are neceſſarily connected with merchants, becauſe their wealth depends chiefly on the exportation of their produce. It is the merchant's intereſt, that his cuſtomers ſhould be rich enough to pay him, and he is apprehenſive that if tumults ariſe in America, he may loſe what is now due to him there, and therefore wiſhes the Americans were ſatisfied. But ſhould the parliament give way to the pretenſions of the Americans, it ſeems likely, that the ſtrength and dignity of Great Britain, her trade and colonies, would all go to ruin; for, Firſt, the national credit would be immediately affected, as then Great Britain *alone* would become reſponſible for the national debt.[x] Our eſtimation among all the European powers would ſink of courſe; the coloniſts (who have all neceſſaries for ſhipping) would preſently interfere with our trade; for if they are independant in one point, why not in another? The revenue of the cuſtoms at home would leſſen, which deficiency muſt be made up by taxes; this would raiſe the price of our manufactures too high[x] for the markets; the manufacturers being unemployed would run to America, and the revenue of exciſe diminiſh of courſe; what then muſt become of the trade of Great Britain?

[x] Take care then how you act; if you thought dependancy on you Nation with us. —

It is not already so? — Would it be responsible for more than is deserved to be responsible for the Irish & Colony Debts also?

They are depen dant only on the King.

They will lessen if you use the Colonies any ill.

[x] Ignorant of the Effect of Taxes. They will not make Manufactures too high for foreign Markets.

G Secondly,

You need not be concern'd for them. You are too good

Secondly, The coloniſts themſelves would not long enjoy their independance.[x] Would they, to avoid diſagreements, form themſelves into a kingdom on the continent? It would be too large for the Britiſh conſtitution, which would not ſuit ſo extenſive a territory *. The inhabitants of Nova Scotia and Florida could hardly attend their parliament, which we will ſuppoſe aſſembled in ſome central place;[x] nothing but an abſolute government would naturally ſuit ſo large a dominion. To avoid this evil, would they form a fœderative republick like the Dutch or Swiſs? The nature of things is againſt them. The Dutch and Swiſs republicks ſubſiſt becauſe they are ſmall, and their intereſts, produce, and ſituation, nearly the ſame. The continent of North America is extended from North Eaſt to South Weſt, ſo that almoſt every province differs from its neighbour in its productions and intereſts. The ſtrength of ſuch a ſtate would be at one end, and the riches at the other. The four New England governments indeed are pretty much alike, and would probably take the lead as being the ſtrongeſt; how far they would make the Southern and more rich provinces pay for their

[x] Very eaſily. 'Tis but a Week's Voyage from the Extremities to the central Colonies. —

Strange, that Differing in Productions, ſhould be a Reaſon of their not being capable of Agreeing on a Government.

* Vide Monteſquieu.

their protection, is not very easy to foresee; but that none would be contented is highly probable. There would be immediate cause of quarrel, and the weaker party in the end would naturally call in the French or Spaniards to their assistance, (for they could hardly have the assurance to apply to Great Britain). Both French and Spaniards would gladly contribute to embroil the Americans, who (from their situation) are dangerous neighbours to Hispaniola, Cuba, and their other dominions in the West Indies.

Silly enough

It will be answered, that the North Americans have no such views. I believe the generality have not; but things seem to tend very much that way.. The King appoints governors whom the colonists so little regard, that the assemblies of different colonies communicate their resolutions to each other, not only without the governor's consent,× but against it, which looks extreamly like a confederacy. Our parliament does not entrench so far on the executive power. If a law passes, or our parliament comes to any resolutions that the North Americans do not approve of, the importation of British manufactures is prohibited; I will not

× What has h
Consent to do
their Resolution
They know he
not afraid to h
whatever his
ment may be

This which
calls a Prohi

suppose

tution, is no more than a Resolution of any Colonies
to buy no more British Superfluities till their Grieva
ces are redress'd, and he is allow'd the Enjoyment of
Liberties?— She then persuades others to take the sam
Resolution. That's all.

suppose by connivance of the assembly, but have the assemblies discountenanced these proceedings? Have they done any thing to suppress them? What do the Americans contend for? Only the enjoyment of all advantages of British subjects, for which they will contribute to the publick treasury *what they please*,* and Great Britain to pay the rest. Suppose this is not granted, what will the assemblies do next?

The only reasonable hope the North Americans can have of preserving the British constitution with peace and safety, is their dependance on Great Britain, which is the natural umpire when any differences arise between the colonies: take away that resort, and every colony must decide its disputes by the sword.* Their division into provinces at present makes every colony a little state of itself; the governor and assembly of each can examine minutely into the condition, and attend to the improvement, of the particular district they are charged with; which could not be done so well if there was only one magistrate and one assembly for the whole.

No. 1 Why should they

* Do not British subjects in Britain contribute what they please. If the American British Subjects, why not the among the rest.

have as they ought to have, all Advantages of

There is no such Dependance. There is only a Connection, of which the King is the common link

Why not by Mediation, by Arbitration, or by considerate & prudent Agreement? — Suppose England & Scotland differ, are they in a better Case?

* There you hit it. And they will always (probably) continue so. In

In another light the North Americans have no enemy to fear but from Europe: whilſt they depend on Great Britain, they are ſure of being preſently informed of any danger that threatens them from that quarter; and not only informed, but aſſiſted by the moſt effectual help in ſuch circumſtances, *viz.* a fleet of men of war. The caſe would be very different if Great Britain was againſt them. It is true, a time in all likelihood will come, when the colonies in North America ſhall exceed Great Britain in ſtrength, and conſequently have the leſs occaſion for her: it is alſo likely that in time America will make her own manufactures, and conſequently our intercourſe will leſſen, and perhaps a ſeparation take place by conſent, when the national debt is diſcharged, and when the European and American Britons can be no longer of ſervice to each other, but as friends and allies.

At preſent the advantage of ſettling on land in America is greater than in following manufactures. If a manufacturer gets two or three hundred pounds there, he buys a tract of uncultivated land, a part of which, in a few years, produces all the neceſſaries of life: he brings

brings up his ſons to be farmers, who cultivate the reſt. Whilſt the advantage of agriculture exceeds that of manufactures, the people will naturally run into that method of life, and conſequently purchaſe goods from England. But when America is fully peopled, the price of land will encreaſe: the farther the coloniſts extend themſelves from the ſea and great rivers, the dearer our manufactures muſt come to them, on account of land-carriage: they will then run into manufactures. A linnen-manufactory was ſet up at Boſton many years ago, they had people from Ireland to carry it on; but from the reaſon already given, the manufacturers ſoon quitted it, and it came to nothing. There are indeed ſome German manufacturers at Philadelphia who work, becauſe being poor, they gain thereby an immediate ſupport for themſelves and families: but as ſoon as they are able to purchaſe land, they will probably do as others have done before them.

The farther they extend themselves the less likely to be so populous so as to engage in Manufactures. — But no Distance they can go from the Sea will add much to Carriage to the Price of British Goods. The Country is full of Rivers & Lakes. with this Writer seems not to know. —

And then may not other poor People do as they have done?

The exceſſes the North Americans have run into, their boaſts of unanimity among themſelves, of their reſolutions of reſiſtance, and of their ſtrength, are ſo many bug-bears to frighten people

people here. In all the colonies where they have many negroes, they can ſpare but few men out of the country, (as may be known by the ſmall number of provincial troops they furniſhed in laſt war). In New England indeed they are populous; and might perhaps for a few days keep a mob of ſeveral thouſands together; but as thoſe of the beſt heads and hearts would not join, the rabble would preſently diſperſe; the factious leaders could have no confidence in the men, nor the men in their leaders. New York, New Jerſey, and Penſylvania, are in much the ſame diſpoſition, but far inferior in ſtrength; their hallowing liberty, and inſulting the government, when no force appears againſt them, is nothing. They are ſenſible, that the Britiſh troops can bear fatigue, even in thoſe countries, much better than themſelves, and that their extenſive coaſt is liable to deſcents in many more places than they could occupy; they therefore endeavour to weaken us by fomenting diſturbances at home, and *(to uſe their own phraſe,)* try to *compell the mother country by her diſtreſſes to do them juſtice* (as they call it).

It is in vain, that the North Americans attempt to ſhelter their ſelfiſh and ambitious deſigns

designs under the cover of the British constitution, confounding the principal and accessary states together; reason and morality are against them. If a British subject, by going to America, has not lost any right that he possessed in Britain before he went to America; I say, if his right remains that he may exercise when he pleases, there is no injury done him. If by the means of Great Britain his possessions in America are rendered doubly valuable in point of security, should that encrease set him free from the obedience which he owed to Britain originally, and which was the cause and condition of his possessing any lands at all in America? *To bring the spirit of the constitution against the general established law, is oversetting all order and government. It is the spirit of the constitution, that all British subjects should be free; yet they are often imprisoned, not only for debts or crimes of their own, but also to be produced as witnesses on the trial of others, when they cannot give security for their appearance: freedom is taken away on these occasions from particular people through necessity for the publick good. To expect perfection in human institutions is absurd: †the highest point that we know in legislation is, perfection that can be invented & added to our Constitution? — Why did you yourselves so leave our constitutions as you found them? Why did you aim at making them according to your Ideas more perfect, by taking away our Rights*

How does this appear?

Tho Britain is not his Sovereign, but the King, who governs the same in America.

* No such Cause & Condition.

† Does this justify any & every Imperfection that can be invented & added Solus

Salus populi suprema lex esto. We must endeavour to keep to it as near as human infirmity will permit. The charters on which the colonists found their pretensions, are merely acts of the crown intended for the benefit of order in the colonies. The crown could fix and limit its own rights and claims as sovereign of the soil, but could not exempt the colonists from the obedience they owed to the British legislature: if they have retained and claimed the right of British subjects from their first settlement to this time, it is plain they did not look upon themselves as aliens.* In all distresses they have applied to Great Britain** as citizens, and have been protected as such; their charters then must be understood as consistent with their condition of citizens, and not as repugnant to it.

The Salus Populi of America as important to the People here as that of Britain here.

The Inhabitants of that soil owed no Obedience to the British Legislature.

The Jurisdiction did not extend to the Realm.

* The Crown stipulated that they should not be Aliens. —

** False in Fact.

Would the colonists have crossed the sea to form a settlement in America, if their quality of British citizens had not been their protection?* Or supposing one formed, would it have subsisted ten years on any other footing than that of belonging to England? The colonists intent was to mend their fortunes, (except perhaps a very few Enthusiasts about Boston) and fled. — They chose

* They would never have gone if it had been known that they were still to remain under the power of the oppressive Laws from which they

* Very easily. — They were too poor to make it worth any Nations Trouble to invade them.

and the intent of England was to protect and encourage them for the good of the whole: no doubt was then made of their allegiance, nor of Great Britain's being concerned in their intereſt and ſafety as of all other citizens.

Their diſtance from the courts of law in England, made it very convenient for the new ſettlers to have a judicial power to determine differences among themſelves, and to puniſh crimes; a power was alſo wanted to unite the ſtrength of the colony for their defence, to raiſe money among themſelves as their (provincial) occaſions ſhould require, and to make ſuch laws and regulations as their ſituation might ſtand in need of, *ſubject however to the controul of England*; in conſequence they obtained charters for theſe purpoſes.

At this time they were expoſed to the French and Indians; their poſſeſſions were inſecure: England was but little if at all in debt: it would then have been unjuſt to have laid taxes on the coloniſts, becauſe their produce was precarious, and they were obliged to employ part of their time and ſtrength in watching the motions of their formidable neighbours.

neighbours. England was then ſo far from taxing them, that it encouraged more people to go over, which it would never have done, but on the ſuppoſition, that they were to be as much Engliſh ſubjects on one ſide of the ſea, as on the other.

By the laſt war, the northern coloniſts are freed from the difficulties they laboured under; their eſtates are doubled and tripled in value and ſecurity: the reaſons of exempting them from taxes, no longer exiſt: the expence of the wars which produced theſe happy events to the Americans, is charged to the publick. There can be no doubt then in equity, that they ſhould now bear a proportionate part in the payment of the debt, ſince they have more than a proportionate part of the benefit.

To ſuppoſe, that England intended to lay all burthens on one part of her ſubjects, and to give the other part all advantages perpetually, is abſurd. But ſome coloniſts carry it farther ſtill, not only aſſerting that their charters exempt them from the legiſlative authority of Great Britain, but alſo paying little regard to the crown, which they very eaſily ſee inſulted,

‡ when its orders are not just to their mind. If this behaviour arises in consequence of their charters, it seems high time to annul or amend them. ‡

Meddle with them at your Peril! No Alteration can be made in them but by Consent of both Parties, the King & the Colonists. By violating them you break the Link that holds those two Parts together.

There cannot be two *equal* legislatures in any state; × there may indeed be *one supreme*, and *others* inferior. The charters of some cities give the corporations authority to enact bye-laws for the maintainance of order, and for making improvements in their own districts; but this authority does by no means exempt them from the jurisdiction of parliament, nor of the common law of the land, if their bye-laws are lucrative, oppressive, and contrary to the common good. O

The British State had no Share in forming & supporting the Colonies, except Georgia & Nova Scotia. And N. England had its great Share in the latter.

It is the essential quality of a province to depend on that state which formed and supported it. I speak of the word *province* in its true sense, for it sometimes signifies only a division of the same country: as France is divided into provinces, and the Netherlands also. From this ambiguity our colonists in several of their writings suppose themselves to be in much the same situation as the Flemish provinces were under the kings of Spain; but

× But there may in different States their

O The Corporations of Britain are within the Realm therefore within the Jurisdiction of Parliament. The Colonies are without the Realm. — Therefore not —

their caſe is totally different: the Netherlands belonged to Charles V. as heir to the dukes of Burgundy; and though he became afterwards king of Spain, yet the provinces in the Netherlands depended no more on Spain, than Hanover does on Britain; the inhabitants were Flemings and not Spaniards. For a province formed entirely from ſubjects of the ſtate to pretend to equality, ſeems a ſort of civil mutiny: it is to be hoped that our coloniſts have run into theſe exceſſes rather from error in judgment, than from a deſign to withdraw their allegiance; a ſhort time will ſhew their intentions.

It ſeems in the preſent ſituation of affairs, that either the rights and dignity of Great Britain, and the good of the whole, muſt be ſubmitted to the apparent (but not real) intereſt of the colonies; or the colonies muſt acknowledge the legiſlative ſupremacy of Great Britain, and contribute their proportion to the good of the whole; or a rupture muſt enſue.

To grant the Americans an exemption from taxes, would (beſides the diſhonour) in all likelihood bring on a dilemma from which

we

we could hardly extricate ourſelves. In general men chuſe to reſide in the places they were bred, but when young will go to diſtant countries, in hopes of mending their fortunes: among the numbers already gone to America, moſt of our common people in the maritime counties have ſome acquaintance, perhaps relations, who tell them fine ſtories (true or falſe) which at leaſt make the thoughts of going thither leſs diſagreeable than formerly: if to this is added an exemption from parliamentary taxes, we may reaſonably expect that greater emigrations will follow; † what will the parliament do then? To let our people go, depopulates the country; to keep them here by compulſion, would diminiſh the liberty of the ſubject. ××

† This Wiſeacre ſeems not to know that there are any other Taxes in the World than Parliamentary ones imposed by the King Lords & Commons of G. B.

Suppoſing the Americans acknowledge their dependance, and pay their proportion, ° yet by their own accounts they encreaſe faſt, and we have certainly no ſubjects to ſpare. Our trade to the Eaſt and Weſt Indies conſume many ſeamen every year.

° They never refuſed to contribute their Proportion voluntarily

By the concurring teſtimony of others, as well as my own obſervation, England is thinner of inhabitants now, than it was five and thirty years ago. (Humanly ſpeaking), it is the

×× It is very true. To keep People in England by Compulſion, is to make England a Priſon, & every Engliſhman. The Right of Migration is common to all Men, a natural Right. The Colonists claim'd that Right, and ſeated themſelves out of the Juriſ-

Jurisdiction of Parliament to avoid being subject to Bishop Courts, Tythes, Church Laws & other Parts & Statutes of British Law that oppress them. [55] — Would you now, contrary to the Faith of Charters, bring all those Laws over them again?

the ſtrength of the country people that we muſt depend upon for our defence, and annoying our enemies, (for artizans, and inhabitants of towns, do not make ſo good ſoldiers). I do not mention ſeamen, becauſe it is a buſineſs to which if people are not bred in their youth, they very ſeldom become maſters of.

It is, then, of the utmoſt importance to Great Britain, that her uſeful ſubjects ſhould be more ſtrongly attached to their country; and there is no other method to effectuate this, but the procuring them more agreeable means of ſubſiſting at home.

Make your own People as easy as you please, but don't make ours uneasy.

Theſe means are plain, and in our power, viz. the dividing land into more ſmall farms, with ſuch regulations as may tend to make our people in general more virtuous, more ſenſible of the goodneſs of our conſtitution, and, conſequently, more attached to their country. Where people are diſtreſſed, they find fault very often in the wrong place: but the great lines of reformation may be drawn out, which will of courſe annihilate many oppreſſive practices, and it is to be hoped, in the end

may

may bring about that deſirable conjunction of morals, power, and wealth, which conſtitute the publick happineſs.

In the following part ſuch points as ſeem moſt conducive to that end, in our preſent circumſtances, ſhall be mentioned.

PART

PART III.

THE firmneſs of the preſent parliament in ſupporting the dignity of Great Britain (in its laſt ſeſſion) againſt the colony and mercantile intereſt, encourages us to hope it will ſhew the ſame ſpirit in correcting the abuſes of the landed.

It has been obſerved that all lands are held, or were originally intended to be held by the poſſeſſors, for the good of the whole. Land is indeed property, but not of the ſame nature with money or moveables, which may be given, ſold, pledged, or transferred to foreigners without much hurt to any, but the owner himſelf; but land which is to furniſh ſubjects to the ſtate, is, and was meant to be held only on ſuch terms as ſhould be advantageous (or certainly not prejudicial) to the publick. Whoever then enjoys any land in Great Britain, ought to diſpoſe of it in ſuch a manner as may not diminiſh the number of families thereon: it is alſo his duty, as a good citizen, to promote morality among his tenants, ſo far as his influence may

extend. It will from hence follow, that no perſon ſhould poſſeſs more land than he could ſuperintend; and that a reſtriction ſhould be made to prevent its accumulating in few hands. Whether there is any ſuch law in being I know not; but certain it is, that there are ſeveral great eſtates which the owners hardly ever ſee, reſiding upon others ſtill greater or more agreeable. It is alſo certain, that within theſe thirty years, by the cuſtom of throwing ſeveral ſmall farms into one great one, the inhabitants of the country are conſiderably diminiſhed; that many of theſe little quondam farmers, with their families, are fled to North America; and that others with their children are become ſervants and labourers to the great farmers, in which ſituation they marry late, if at all.

It is a maxim of Monteſquieu's, that where ever two people can live conveniently, a marriage takes place: the ſmall farms, and cottages on commons (now encloſed) were formerly ſuch conveniencies to the poor. The want of them does not abate their paſſions, but as they cannot well marry privately, nor ſee any likelihood of a ſettlement for a long time, they often take each others word for the preſent, in hopes,

hopes, that no child may diſcover their connection: miſcarriage is the next hope, and perhaps murder the conſequence.

If the making great farms has been the occaſion of theſe evils, it ſeems juſt, that, beſides the uſual taxes, an additional one ſhould be laid on farms which exceeded —— a year, and greater ſtill on thoſe which exceeded —— pounds a year, the tax encreaſing till it became in effect a prohibition; allowing however a reaſonable time to the landlord for making the alterations and expiration of leaſes; by theſe means, it would become the intereſt of the landlord to divide his great farms into leſſer, and conſequently occaſion more people to live in the country.

Nor would this be a real grievance to the landlord; for though he may flatter himſelf, that the few men his pariſh can produce, will never be wanted for the publick defence; yet if the ſame opinion prevails in all other pariſhes, it is certain that the ſtate would become ſo weak as not to be able to defend the landlords, nor itſelf: what he loſt then

in point of rent, he would gain in point of ſecurity *

I have mentioned alſo the benefit which accrued to the common people in the country, both in regard to morals and aſſiſtance, from a number of freeholders reſiding among them. There is at preſent a certain diſcouragement from the purchaſing ſmall freeholds; viz. that the writings often carry away half a year's rent, or more; and, when this is done, not one freeholder in twenty knows his tenure preciſely, but ſuppoſes, (on his lawyer's aſſurance)

* 'Tis likely that the landlord would be alſo benefitted by the reduction of the poor's rate; for where a common labourer rents a few acres, ſufficient to keep a cow or two, that family ſeldom comes to the pariſh: the man works abroad when he can get employment, and, when he is not hired by others, he ſtill gets ſomething by labouring in his own ground: his wife raiſes pigs and poultry, and makes the children aſſiſt in the garden and dairy, which brings them up to induſtry. Labourers in this ſituation generally pique themſelves on their not being burthenſome to the pariſh. Where a labourer has no ground, he gets money only when people chuſe to employ him, conſequently his and his family's ſubſiſtance muſt be uncertain: his children cannot help, having no materials to work upon; and it is well if they only acquire a habit of idleneſs: a fit of ſickneſs throws the whole family upon the pariſh at once. If the poor's rates are by theſe means encreaſed to a certain degree, the landlord does not gain really by throwing ſeveral little tenements, with five or ſix acres apiece, into one farm.

rance) that a certain quantity of parchments delivered to him, do contain a good title. I do not mean to deprive the lawyer of his fees, but it is to be wiſhed, that a plain ſimple form of conveyance was directed by authority, and that a regiſter of deeds was inſtituted in every county of Great Britain, as it is already in ſome of them. The old pretence of danger to liberty by letting the government know every man's circumſtances, ſeems too far fetched, and is certainly not the true objection; becauſe people may hide what value they pleaſe in the publick funds under other names, or in foreign banks, or in the hands of merchants. What advantage could a corrupt miniſtry gain by the knowledge of every one's lands? a man's integrity is not to be meaſured by his acres. The advantage on the ſide of the publick is manifeſt, viz. to render landed poſſeſſions ſecure, and to ſave the honeſt and well-meaning ſubject from the artifices of knaves.

It might be a very great inducement for people to live in the country, if the game-act (and fiſh-act) was upon a different footing: the lords of manors are rather conſervators of the game, than proprietors: they may take what

what they want, and give it away, but muſt not ſell it: every man who has 100*l. per annum* partakes the game with them. This has made a diviſion among the people, and is the ſource of numberleſs diſagreements between gentlemen in the country. Suppoſe none (except the lord of the manor, or perſons authorized by him) were allowed to ſhoot black game, growſe, partridges, hares, pheaſants or quails, unleſs they took out a government licence for it; theſe licences to be perſonal, and to laſt only for one ſeaſon, (that is, from September to February) and to extend no farther than —— miles round the dwelling of the poſſeſſor, and to be entered in the pariſh books; the ſum paid for them to be ſo high as to prevent any one's making uſe of them for profit. The lords of manors by ſuch a regulation would loſe nothing but the right of going into other people's manors, in return for which no others (as on the preſent footing of qualification) could come into theirs, except thoſe who took out licences: it is likely, the game would rather encreaſe than diminiſh by ſuch an alteration, it would certainly be an augmentation of the revenue; but what appears of moſt conſequence, is, that it would probably reconcile

cile the bulk of the people to the want of a privilege which they ſee others enjoy, (ſince they might have it themſelves if they thought it worth paying for) and take away the preſent *offenſive diſtinction* of ſubjects qualified and unqualified.

Theſe reflections do not proceed from a levelling principle: a certain gradation of conditions is neceſſary to make a people flouriſhing and happy: the bulk of mankind muſt labour for their living, in which ſituation they have little time for reflection: the few who have an aſſured ſubſiſtance ſhould employ part of their time in thinking for the benefit of thoſe who have not time to think for themſelves: thoſe whoſe affluence is ſtill greater, and can afford to keep higher company, have the opportunity of greater improvement, by converſing with peers and members of parliament; who are neceſſarily acquainted with the general ſtate of affairs: now as each of theſe conditions converſes with the condition immediately preceeding and following itſelf, and the lower naturally imitates and is inſtructed by the higher, a ſort of connection is formed from the peer to the peaſant, and immorality is of courſe diſcountenanced,

tenanced, becauſe how vicious ſoever men may be themſelves, they will not willingly aſſociate with people of infamous characters even among their equals, and ſtill leſs with thoſe who are their inferiors. But if the great man (peer or commoner) becomes by purchaſe or otherways the proprietor of all the lands round him, theſe intermediate degrees are loſt, and conſequently the common people have no opportunity of being enlightened in their underſtanding, nor rectified in regard to their moral conduct, nor aſſiſted in diſtreſs.

May our peers have ample landed eſtates, to ſupport their dignity; (and whatever they can purchaſe in the publick funds, or in houſes, to which no right of voting is annexed, &c.) but the unlimited poſſeſſion of land is detrimental, and muſt occaſion jealouſies of their influencing elections ſome time or other: and theſe jealouſies will be partly in proportion to their numbers, and extent of landed property.

Were the laws of our country to begin anew, one of the firſt would probably be an Agrarian law; but as things are now ſettled, it could

could not well take place without throwing many of our great families into confuſion, and obliging them to ſell at a diſadvantage. What ſeems moſt prudent, is to prevent the evil's encreaſing, by prohibiting the poſſeſſors of —— pounds per annum from purchaſing more; and by laying ſuch additional taxes on great landed eſtates, after *ſome diſtant period*, that ſhould make it the intereſt of the proprietors to part with their ſuperfluities, in the ſame manner as was mentioned in reſpect to great farms.

Should the game-act ever produce a revenue, perhaps that revenue could not be better employed, than in forming a bank to purchaſe ſuch parts of great eſtates, as the owners choſe to part with; which might be ſold again in ſmall parcels to different people: this would by degrees reduce thoſe over-grown eſtates, which are hurtful to the publick, and often to the poſſeſſors themſelves, by giving them too high an opinion of their own conſequence, and by leading them into parties. The earl of Warwick, in the days of Henry the VI. the earl of Deſmond, in the time of Henry the VIII. and the late duke of Ormond, (beſides

numberleſs others) owed their ruin to the greatneſs of their fortunes.

But the moſt immediate increaſe of ſmall farms might ariſe from the acts for encloſing commons, ſeveral of which are generally applied for every year: here, the parliament might grant the power of encloſing on ſuch *conditions* as ſhould multiply ſmall ſettlements in moſt parts of England.

FINIS.

THOUGHTS

ON THE

ORIGIN and NATURE

OF

GOVERNMENT.

Occaſioned by
The late Diſputes between GREAT BRITAIN
and her AMERICAN COLONIES.

Written in the Year 1766.

By Allan Ramsay.

——VICTOR*que volentes*
Per populos dat jura.——

VIRG.

LONDON:
Printed for T. BECKET and P. A. DE HONDT, in
the Strand. MDCCLXIX.

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THOUGHTS

ON

GOVERNMENT.

THE queſtion which has been for ſome time agitated, *Whether the legiſlative power of Great Britain has a right to tax its American colonies?* is of all queſtions the moſt important that was ever debated in this country. Thoſe who compare it to that which was diſcuſſed at the Revolution, do not ſufficient juſtice to its importance; for it is not concerning the forms of our conſtitution, or the ſhare which this or that man, or this or that family, ſhould have in the ſupreme government; but whether there ſhould be any ſupreme government at all, and whether this, which is now a great and independent ſtate, ſhould, all at once, fall from its greatneſs, and perhaps ceaſe to be reckoned amongſt the leaſt.

But although I mean in the following ſheets to defend the rights of government, and to ſhew the Americans, and thoſe of this country who encourage them, the unreaſonableneſs of their late claims and pretenſions, yet I do not mean to become advocate for thoſe now entruſted with the adminiſtration of government, nor for thoſe to whom they ſucceeded in that important taſk. On the contrary, I cannot help conſidering thoſe claims, and the indecent manner in which they have been urged, as ſomething very much to their diſadvantage. Government cannot to ſo great a degree ceaſe to be reſpected, without raiſing a juſt ſuſpicion of its having, ſome how or other, ceaſed to be reſpectable: and, to apply to political virtue what has been ſaid by a lady of great wit, with regard to the virtue of her own ſex, we muſt be allowed

by whom?

In part to doubt the *ſtate* that has been tried;
They come too near who come to be denied *.

* See Dodſley's Collection, vol. 1.

Whatever

Whatever may have given encouragement to ſuch an attack, I am heartily ſorry for it: but the attack being now made, it becomes the duty of every man who wiſhes well to this flouriſhing empire, the proſperity, the very exiſtence of which depend upon the union of all its parts under one head, to repel the attack by all the means which law, juſtice, and good ſenſe authoriſe.

If such an Union be necessary to G.B. let her endeavour to obtain it by fair Means. It cannot be forced. —

I doubt not but this my attempt to diſcover what is true and what is uſeful, however weak and inſufficient, will be generally acceptable. I do not expect it will be univerſally ſo. There is no calamity which can be ſuppoſed to befall any country, except that of being totally ſwallowed up by an earthquake, which may not be advantageous, and poſſibly deſirable to ſome of the individuals in it. CÆSAR, whoſe pride and ambition were ſo unbounded as to make him profeſs that he would rather be the firſt man in a miſerable village than be the ſecond in Rome, would not, in all probability, have

ſcrupled to have adopted ſuch meaſures as might have reduced that noble city to an equality with the moſt miſerable village, rather than ſuffer any man in it to be his ſuperior.×

A bad Account of Cæſar.

To ſuch I do not mean to addreſs any part of this paper. I know that any attempt to reaſon men out of their paſſions and ſuppoſed intereſt, is but ſo much ink thrown away. I only write for thoſe, who, without ambition or reſentment, ſuffer themſelves to be enflamed by the ambition and reſentment of others; and are made, by falſe reaſoning, the promoters of intereſts the very reverſe of their own.

The great difficulty attending this American controverſy is, that the queſtion changes upon us from day to day; and what would be a compleat anſwer one week, by the next is nothing at all to the purpoſe. Were the diſpute betwixt England and America to ſtand upon the ſame ground× that it

did on the 14th of January * before two o'clock; were the coloniſts ſtill to argue from the validity of their charters, and of the advantages reſulting to them from thence; the laws of England might have been appealed to, and the conſtitution of England might have been inveſtigated, in the practice of parliaments, from Magna Carta down to this day: but when acts of parliament are openly derided, and the authority of the ſupreme legiſlature branded with the odious appellation of *force*, we are called upon to go ſomewhat deeper in our reaſoning, and to inquire, in what this legiſlative authority itſelf is founded.

* The firſt day of the laſt ſeſſion of parliament, when Mr. PITT came unexpectedly to London, and, in a debate upon the words of an addreſs to his Majeſty, took occaſion to declare, as his opinion, *that the ſtamp duty laid upon the Americans the year before was unconſtitutional and illegal, having been impoſed without their own conſent:* an opinion, however, that was not altogether new, it having appeared before in ſeveral American pamphlets.

But before I endeavour to eſtabliſh any thing of my own, it is neceſſary to take notice of a principle frequently laid down upon this and former occaſions, as a ſure foundation for political reaſoning; and that is, *That all men in their natural ſtate are free and independent:* but if we are to judge of the nature of man, as we do of the nature of other exiſtences, by experience, there can be no foundation more unſound. No hiſtory of the paſt, no obſervation of the preſent time, can be brought to countenance ſuch a *natural ſtate*; nor were men ever known to exiſt in it, except for a few minutes, like fiſhes out of the water, in great agonies, terror and convulſions. This principle of equal right to liberty, which can hardly be ſeparated from that of an equal right to property, has never been *actually* acknowledged by any but the very loweſt claſs of men; who have been eaſily perſuaded to embrace ſo flattering a doctrine from the mouth of a WAT TYLER or JACK

* This Writer is ignorant that all the Indians of North America not under the Dominion of the Spaniards, are in the Natural State, being restrained by no Laws, having no Courts or Ministers of Justice, no Suits, no Prisons, no Governors vested with any legal Authority. The Persuasion of Men distinguish'd by Reputation of Wisdom is the only Means by which there are govern'd or rather led. And the State of those Indians was probably the first State of Nations.

JACK CADE, and in consequence of it, for it leads to nothing else, have cut the throats and seized the goods of their masters.

The position, however, being established, this farther has been added to it, *that all the rights of government are derived from a voluntary social contract, by which each man gives up, as it were into a common stock, a small portion of this natural liberty, in order to form a sovereign power for the protection of the whole, and of every individual.* But unfortunately, as no such state of independence was ever known to exist, no such voluntary contract was ever known to be entered into; so that if the legality of government depended upon it, it follows, that there never existed a legal government in any part of the globe.

This is an assertion contrary to fact, as I have shown above & therefore all Inferences from it are unfounded.

Such are the idle dreams of metaphysicians, uncountenanced by fact and experience; and the more dangerous that, like other dreams, they carry, upon certain occa-

This is only your Dream.

occaſions, ſome confuſed reſemblance of reality.

The rights of government are built upon ſomething much more certain and permanent than any *voluntary* human contract, real or imaginary; for they are built upon the weakneſs and neceſſities of mankind. THE NATURAL WEAKNESS OF MAN IN A SOLITARY STATE, PROMPTS HIM TO FLY FOR PROTECTION TO WHOEVER IS ABLE TO AFFORD IT, THAT IS TO SOME ONE MORE POWERFUL, THAN HIMSELF; WHILE THE MORE POWERFUL STANDING EQUALLY IN NEED OF HIS SERVICE, READILY RECEIVES IT IN RETURN FOR THE PROTECTION HE GIVES. This is the true nature of that contract, which pervades every part of the ſocial world, and which is to be ſeen at all times, in every empire, republic, city and family, or indeed wherever two or three are met together. From this is derived all the relations of maſter and ſervant, patron and client, king and ſubject; and every project in public and private life

which

which does not proceed upon this reciprocal obligation of protection and ſervice, will be for ever abortive, or fatal to the projector.

Amongſt the many philoſophical heads which have ſpeculated upon the origin of that right which one man in ſociety has been found to claim to the ſervice of another, ſome have derived it from victory in war, which giving, as they ſay, a right to the conqueror of taking away the life of the vanquiſhed, gives him *à fortiori* a right to his ſervice *. But this is endeavouring to eſtabliſh a right that is doubtful, by the help of one that is at leaſt equally ſo; for what proof is there that one man has a natural right to kill another? The two great marks by which we judge any act to be natural, are, the general inſtinct or deſire to perform it, and the general utility ariſing from the performance. But no natural deſire appears in man to imbrue his

* See Grotius De jure belli et pacis, lib. 3. cap. 4.

hands in the blood of his fellow creatures, nor is there any utility naturally arising from it; for nothing can be of less use than a man, when killed. I believe it will be found that the process is the very reverse of what those learned gentlemen have represented, and that any right which it is supposed one man may occasionally acquire of killing another, arises from a right previously conceived to his service. For in the great volume of nature's laws it appears to be thus written: THAT EVERY MAN IN SOCIETY SHALL RANK HIMSELF AMONGST THE RULING OR THE RULED, AS IT SHALL BEST SUIT HIS CIRCUMSTANCES AND ABILITIES; ALL EQUALITY AND INDEPENDENCE BEING BY THE LAW OF NATURE STRICTLY FORBIDDEN: AND IT IS FARTHER DECLARED BY THE SAME AUTHORITY, THAT WHOSOEVER IS NOT ABLE TO COMMAND, NOR WILLING TO OBEY, SHALL FORFEIT HIS LIVING OR HIS LIFE: *And it is probably by this law that all are condemned to die who

I do not find this Strange Law among those of Nature. I doubt it is forged, & not in the Book

who fall in battle; it being only a compleat victory which determines who are exempted from the fatal ſentence; by ſhewing who are able to command, and who are willing to obey.

Theſe are truths not drawn from ſophiſtical reaſoning, and juggling with ill-defined words; but from plain ſenſe and obſervation. By an appeal to univerſal experience we may prove that the relation between maſter and ſervant is of natural and of divine appointment, juſt as we ſhould prove, if any body were ſo ſenſeleſs as to doubt it, that the ſun and moon were ſo. That which chiefly wants to be aſcertained is, what is the nature and what the limits of the ſervitude that is due to the maſter, or, what it is he has a right to exact from his ſervant. And here neceſſity, the foundation of all my reaſoning, obliges me to pronounce, that the ſole determination of that right reſts with the ſuperior; becauſe, if that is not allowed, it cannot under God reſide any where; and ſo the union, which we ſuppoſe indeed.

That is, He that is strongest may do what he pleases with those that are weaker. The most Equitable Law of Nature

No Man would unite in Society on such Terms.

ſuppoſe ſo neceſſary in ſociety, and which comes alone from the whole body being actuated by one mind, muſt of courſe be diſſolved.

I have hitherto ſpoken of ſociety as if compoſed of one individual maſter and one individual ſervant: and as the whole law of government, that is the reciprocal obligation of protection and obedience, is made more intelligible by this ſimplicity, I ſhall often treat of it in that form. There are a great many ſpecific differences in the various combinations of larger ſocieties, but with regard to the great principle, the firſt example will apply to them all. Let the number of men who compoſe the ſociety be ever ſo great, there is an abſolute neceſſity in order to their remaining one ſociety, that they be ſeparated into two parts, with this diſtinction; that the governing part, always the leaſt numerous, muſt act and be conſidered as one body, actuated by one mind; while the other, from whoſe great number

Is it, has it been always so?

unanimity

unanimity is not to be expected, and for whose situations unanimity is not necessary, ought never to be considered as one body, but as so many separate persons. The individual governing to the many individuals governed, is as the brain to the members of the human body. Be the brain ever so foolish, all wisdom must be allowed there to reside; and every motion of a limb, without its dictates, is only a convulsion and a sure mark of a distempered state. In short there must exist in every society a ruling power, whose will, from the necessity of things, must be allowed the measure of its own rights, and of those of its subjects.

Is there then no such thing as a Society in which the Ruling Power is circumscribed by previous laws or Agreements?

"Is there then no bounds, no stay to this "absolute power? Has it a right to do "what it pleases? Has it a right to do "wrong?"—No certainly; for that would be admitting an absurdity, a right of doing what ought never to be done. We must distinguish betwixt a right *(jus)* and right

right *(rectum)* which, from a poverty in the Engliſh language have often added embarraſſment to this ſubject. No act of power can turn what is wrong into what is right. But right and wrong cannot decide themſelves; they are the objects of human judgment, and muſt be decided by ſome body or other: and let what rules ſoever be laid down for the better deciſion, the rules and the ſubject will at laſt become matter of opinion. But private opinion cannot poſſibly be admitted; for, all being equally entitled, no man would ſuffer what he called his rights to be decided by any other private opinion than his own. This is, however, the ſtate of man in thoſe dreadful moments, when the bonds of rule, order and ſociety are diſſolved; a ſtate of war and confuſion, which ſome writers have been ſo ſenſeleſs as to call a *ſtate of nature*, while it is only a ſtate of diſtemper and miſery.

The end and intention of government is to prevent private opinion from ever taking place

place, except in matters of private concern. All the duties which one man owes to another, or which each man owes to the whole, muſt be marked out and decided by ſome tribunal to which all men muſt equally ſubmit; and which, having judged, can make its judgments effectual; without which there can be no deciſion. After this it is needleſs to ſay that the right of making and executing all laws, the right of clearing all doubts about the lives, properties and privileges of all the members of the ſociety, muſt be veſted abſolutely in the Supreme governing power, and that from it there can be no appeal. A law without a penalty is no more than an advice; and a penalty without a power to inflict it would be ridiculous: and this is ſo conſonant to common ſenſe and common language, that there is probably no language in the world in which to *prevail* and *to give law* are not ſynonomous.

In all ſocieties which are made up of more than two individuals, there are two ſorts of

laws. One of theſe is what is framed as a rule for deciding the claims of the individuals of the ſociety, and their duty both with reſpect to one another, and to the ſtate, in matters of private right. This may be called the *civil law*, and is generally, and with great propriety delegated to inferior judges by the Supreme power ever ready at hand to ſupport their deciſions, except where they admit of an appeal to itſelf. The other, which may be called the *law of government* or *ſuprema lex*, is that by which all pretenſions of right between governor and governed, in matters of government, are tried. With regard to this law, the ruleing and the ruled are exactly in the ſtate of a ſociety made up of two ſingle perſons: the law cannot be exactly defined; nor can the execution of it be delegated to the diſcretion of any body. What concerns the *ſafety of the whole* can never be committed to the arbitration of any of the ſubordinate parts; ſo that in all diſputes betwixt the governing and the governed, concerning the limits of authority

and obedience, the governing part muſt, of neceſſity, be both judge and party.

One may eaſily imagine then how the Deciſions will turn.

To enquire whether this may not be attended with great inconveniencies and oppreſſion, would be extremely uſeleſs. The enquiry is cut ſhort, by barely affirming, that it was always ſo, that it cannot be otherwiſe, and that thoſe who are deſirous of partaking the advantages ariſing from law and government muſt accept of them upon thoſe terms, ſince upon no other can they be obtained.

" Are there then no natural rights of man-
" kind independent of the deſpotic will of
" their rulers?" There certainly are a great many ſuch rights; rights eſtabliſhed by the laws of God and nature, of equal authority with the rights of government, which extend no farther than to the framing of ſuch laws for particular ſocieties, as are, in reſpect of the laws of nature, to be conſidered only as *bye laws:* and if the terms I have uſed ſeem to intimate any thing to the contrary,

it is full time that thoſe terms were explained. When I ſpeak of *ſervice* due at the will of the maſter, I deſire to be underſtood of ſuch ſervice only as, according to the common ſenſe, and univerſal practice of every age and country, one man in ſociety may lawfully receive at the hands of another: and when I ſpeak of the uncontroulable right in the ruler of making and executing *laws*, I would be underſtood to mean ſuch laws only as are not repugnant to the laws of nature. A man by becoming an obedient ſubject does not ceaſe to be a man, and as ſuch has certainly rights which no human power can infringe without committing an act of lawleſs tyranny and oppreſſion! The difficulty lies in diſtinguiſhing thoſe conſtant, univerſal, and indefeaſible rights of the ſpecies, from the ever fluctuating rights of the individuals, of which alone I have been hitherto treating; and it were to be wiſhed, that amongſt the many who now write about theſe rights, there were ſome one or other who would give himſelf

himself the trouble of telling us what he imagines them to be. To give a detail of them might perhaps be tedious, but not to subject myself to the same reflection, I will venture to give one general rule, formed upon the reciprocal obligations of protection and service, and supported by experience and observation upon the actual conduct and sentiments of men, by which the rights of government may be, with respect to the natural rights of mankind, in great measure, limited and defined.

WHATEVER ACT OF POWER IS EXERTED AGAINST THE SUBJECT MANIFESTLY NOT NECESSARY, OR NOT TENDING TO THE SUPPORT OR SAFETY OF GOVERNMENT, THAT IS TO THE PROTECTION OF THE WHOLE, IS, BY THE LAWS OF GOD AND NATURE, DECLARED ILLEGAL, AND A BREACH OF THE NATURAL COMPACT BETWEEN THE RULER AND THE RULED.* Millions of treasure may be squandered away, thousands of lives may be sacrificed, to very little purpose, in one morning's battle; and yet the

* But then you say the Ruler & not the Ruled are to judge whether any Exertion of Power is illegal?

bond between ruler and subject continue firm and unbroken; while the smallest injury done by Government to the meanest peasant, where no necessity of state can be rationally alledged, is sufficient to throw the whole into confusion.*

* This seems extravagant on the other side. Does he expect ever to see Rulers incapable of Mistakes, even the smallest.

The Almighty seems to have said to every ruler or body of rulers upon investing them with their authority, TAKE AND PRESERVE THIS POWER, WHICH THE PEACE AND HAPPINESS OF MANKIND REQUIRE TO BE ENTRUSTED WITH SOME BODY OR OTHER; AND TAKE CARE TO USE IT IN SUCH MANNER AS *ne quid detrimenti capiat respublica*, FOR IT IS FOR THAT END, AND FOR THAT ALONE, THAT YOU ARE ENTRUSTED WITH IT. THE TASK I IMPOSE IS DIFFICULT, AND FROM WEAKNESS OF UNDERSTANDING, OR VIOLENCE OF PASSION, YOU WILL COMMIT MANY ERRORS IN THE PERFORMANCE OF IT: BUT GO ON BOLDLY, BE NOT DISCOURAGED, FOR NONE OF THOSE ERRORS SHALL BE IMPUTED TO YOU AS CRIMES,

It appears here that he does not expect such Impeccability but the Contrary: what then can hinder the whole from having gone into Confusion.

IF

IF YOU CAN FORGIVE YOURSELF, ALL MEN SHALL FORGIVE YOU. BUT BEWARE HOW YOU SUFFER THIS POWER, BY WHICH ALONE YOU CAN PROTECT YOURSELF OR MY PEOPLE, TO BE DIMINISHED; AND BEWARE OF EMPLOYING IT FOR ANY OTHER PURPOSE BUT THAT OF SUPPORTING YOURSELF AND PRESERVING ORDER; FOR ALL SUCH TRANSGRESSIONS WILL BE ACCOUNTED AS CRIMES, AND WILL BE PUNISHED IN YOU AS YOU WOULD PUNISH THE LOWEST CRIMINAL.

How so?

From an inattention to these great commands have arisen all the disorders and revolutions in government with which history acquaints us: for instance,

No wonder these Commands were not attended to, as perhaps they never were before heard of—

The ravishing of men's wives and daughters was never supposed necessary for the support of Government; and therefore produced the downfall of the regal and decemviral governments of ancient Rome.

The putting a father under the cruel necessity of shooting at an apple upon his son's head, could never be supposed necessary for

the ſupport of government, and therefore this piece of wanton inſolence put an end to the Auſtrian rule in Switzerland.

The forcing men, under ſevere penalties, to profeſs this or that ſpeculative opinion in matters of eternal ſalvation, contrary to what they believe true, could never be ſuppoſed by any but ideots, neceſſary for the ſupport of government?* and we all know what the fooliſh attempt occaſioned to the Spaniſh dominion in the Low Countries, and to the regal authority of the STEWARTS in Great Britain.

And yet King Lords & Commons of England have ſupported this, as well as other Kings & Governments— France ſtill ſuppoſes it, & Spain & Portugal.

Do you aſk who has a right to judge what acts of power are againſt nature, and what are not? I anſwer, no body. The immediate impulſe of every man's feelings ſtands in the ſtead of all judgment in ſuch caſes; and when the paſſions of men are all raiſed by one motive, and all pointed to one end, they require no leader to give them unity of mind and uniformity of conduct; while thoſe whoſe proper office it is to wield the ſword in defence of government, partaking

* Nobody, but Every body.

partaking of the common feelings, either deſert their employers, or, by a dubious and feeble aſſiſtance, ſerve to render their ruin more compleat.

But, of all the tranſgreſſions or neglects of nature's laws, none have been ſo fatal to rulers as that breach of the original compact, in being unwilling or unable to give that *protection*, to which the duty of *obedience* muſt be ever ſubſequent or ſecondary. In forming that ſocial compact, which is the foundation of all my reaſoning, the propoſal is not, *If you will be obedient I will be powerfull*, for that would be too abſurd to deſerve any notice; but it is, *If you are powerfull I will be obedient*; and this being the order of the conditions, the firſt not being forthcoming, the ſecond becomes void and null of itſelf. For in the whole Code of nature there is no law more diſtinctly expreſſed than this:

Ne liceat facere id quod quis vitiabit agendo
Publica lex hominum naturaque continet hoc fas
Ut teneat vetitos inſcitia debilis actus *.

* Perſius ſat. 5.

Which

Which means, when applied to government, that THEY ONLY HAVE, BY NATURE, A RIGHT TO RULE WHO ARE QUALIFIED FOR IT, it being high treaſon againſt nature for the weak to pretend to govern the ſtrong, the fooliſh the wiſe, the ignorant the ſkilful, the fearful the bold, or the poor the rich. To retain the rights of government, without the powers from whence thoſe rights were originally derived, is the greateſt of crimes againſt ſociety; and which, ſociety and its divine guardian never fail to puniſh, according to the degree of the offence, that is, according to the inconveniencies and dangers to which ſociety is expoſed by ſuch ineffectual pretenſions.

Such are the laws which will ever ſuperſede all laws of human contrivance, and which being broken, by any ruler or rulers, the original compact is diſſolved, and no farther allegiance due. But what have thoſe laws of nature to do with the preſent controverſy

controverſy between the Britiſh government and its ſubjects of America? *The original compact,* it is ſaid, *has been broken.* When? By what means? Whoſe aſs has been ſtolen, whoſe wife has been raviſhed, whoſe conſcience has been conſtrained, by act of parliament? What protection has been required from the legiſlature of Great Britain, that has not been willingly and manfully afforded? None. *We are taxed,* ſay the Americans, *contrary to right, for we are taxed without our own conſent.* Were they fairly to tell us upon what they found this pretended right, of laying burthens upon themſelves according to their own pleaſure and conveniency, it would be no hard taſk to combat it; but when we have got faſt hold of what we ſuppoſe the main argument, and are ready to ſqueeze it to death, it immediately ſlips like an eel through our fingers. *It is,* at one time, *by the law of nature.* When you aſk them to quote the page; or ſhew them ſome law of nature which ſpeaks the very reverſe, *it is* then *by*

Does not every Man's Feeling as he says, Declare that his Property is not to be taken from him without his Conſent?

the conſtitution of Britain. There when they are ſhewn that the ſolemn declarations of the legiſlature, and the conſtant practice, wherever it was neceſſary, ſpeak againſt them, they declare themſelves againſt all thoſe ſolemn declarations and practices, telling us, *That what has been done, if wrongfully done, confers no right to repeat it,* and back again they go to *their* laws of nature, or to the flimſy hypotheſis of ſome ſcholaſtic writer to new-model nature and the conſtitution of England, ſo as to make them more favourable to their pretenſions. For my part I know of no human authority to which I dare appeal, except to acts of Parliament; and, if they could be admitted, there would be ſoon an end of the controverſy; as the preſent parliament has as unqueſtionable an authority as any of the former parliaments; and the Stamp Act itſelf of as much authority as any former act which could be quoted to authoriſe it.

The ſolemn Declaration of the Petition of Right &c. is, that no Man ſhall be taxed but by common conſent in Parliament.

Very true.

Probably he here means Locke, Sidney, &c.

It being therefore, uſeleſs to deduce any argument

argument from an authority, the diſclaiming of which furniſhes the very queſtion in debate, I will return once more to my general plan, and enquire what is the true nature of levying taxes, and whether it differs, as has been often aſſerted by the Americans, from the other rights of legiſlation.

To take up this in a plain, eaſy, and regular way, let us return to the point from whence we ſet out. In a ſtate conſiſting of one individual ruler, and one individual ſubject, like that of ROBINSON CRUSOE and his man FRIDAY, the ſervice of one of theſe in return for the protection of the other, can be only perſonal; and the mode, as well as the quantity, of this ſervice muſt be left, as has been ſhewn before, to the diſcretion of the ſuperior; whoſe will muſt ſerve for all the different ſorts of law, either with regard to public or private rights, which the nature of that ſimple ſociety can poſſibly admit. But, in a numerous ſociety, it would be extremely inconvenient, not to ſay abſurd, that all the ſubjects ſhould be perſonally employed in the public ſervice; as ſuch

ſuch employment muſt neceſſarily hinder them from providing for their own ſupport. Nor is ſuch a generality of perſonal ſervice any more needful than it is poſſible; as a very few of a numerous community are ſufficient to do all that is required for the defence and protection of the whole. But as all are equally liable, and the letting the whole labour fall upon a few, would be unjuſt and ruinous, it became neceſſary that each man in the community ſhould contribute a certain portion of the product of his private induſtry, for the maintenance of thoſe, who being occupied in fulfilling the general obligation, of ſerving or aſſiſting the protecting power, have not ſufficient leiſure to provide ſubſiſtance for themſelves. In ſhort, a TAX, in whatever mode it may appear, is but another word for SERVICE; and as that enters eſſentially into the very Being of government; whatever concerns the appointing, regulating, or rendering it effectual, becomes the moſt important part of legiſlation; and which, from the nature of

of things, no inferior part of adminiſtration, much leſs the ſubjects, have the leaſt right to meddle with, except under the ſupreme authority. Were the ſupreme authority to reſign this power of the purſe into the hands of any other part of the ſociety, ſuch a reſignation would amount to an abdication of the government; and that part which became inveſted with the power of levying money, would be, *ipſo facto*, ſupreme. Theſe I give as fundamental principles of government, and do not deſire them to be admitted if they are not found to be in fact univerſally true. Point me out but one ſingle inſtance of a ſtate where a right was acknowledged in any, but the ſupreme power, of impoſing or with-holding taxes, and I ſhall immediately give up all that is contained in theſe reaſonings as falſe; they being entirely grounded upon a principle that does not admit of ſuch a poſſibility.

What then becomes of the notion, *That people ought not to be taxed but by their own conſent?*

conſent? I cannot tell; let thoſe look to the propoſition who advance it. I can only ſay that any ſet of people who are maſters of their own purſes, are maſters of their own ſervices, they are their own maſters, and ſubject to no body. If ever ſuch people had engaged themſelves in a compact of ſervice and protection, ſuch compact ſubſiſts for them no longer; they are perfectly independent, and any verbal acknowledgement of ſuperiority from them, after the *actual* acknowledgement is thus withdrawn, is no better than a piece of mockery. In ſhort, from thoſe who are really ſubjects ſuch conſent never was nor ever can be aſked. It will be ſaid *that the people of England conſent to their own taxation by their repreſentatives.* But this is nothing but a vulgar miſapprehenſion; the conſent of the people being no more required in England, upon ſuch occaſions, than it is in Turkey: and, indeed, if the principles of Government which I have laid down as general, are not equally true, and equally, *in fact*, admitted in England

England and in Turkey, I shall no longer acknowledge them as principles. The sole difference is that the supreme power happens to be differently constituted in those two different states, but when constituted, it equally assumes the right of imposing taxes upon the people without their consent. The people of England, or certain classes of them, have a right by election to constitute the third part of the legislative power for seven years; and it would make no difference in my argument if they constituted the whole for that term: but from the day of election, the people have no more share in the legislation than those of Turkey, and the strings of their purses are equally resigned into the hands of their rulers.* It may be perhaps said, that if these members of parliament abuse the confidence that is put in them, the people may at the end of seven years elect others in their stead. But this does not in the least affect the present question, which is not what is to happen after

* This is a quib
Argumen. If
appoints a Repr
tative for the exp
purpose of doing
Business for me
is for MY Serv
also his & others,
to consider a

C the

I am to pay a
Proportion of
Expence necessary for accomplishing that Busines
am then taxed by my own Consent. — A Number
Persons unites to form a Company for Trade, Expence
are necessary, Directors are chosen to do the Busines &
portion their Expences. They are paid a Reasonable Comp
ation for their Trouble. There is nothing of weak & Sm
Protection on one hand, & Service on the other. The Direct

is prescribed, the Power they have is from the Members & returned to them. The Directors are also accountable. — The Money paid is for the Benefit of the Payers.

the supreme legislative power is dissolved; but what happens while it actually subsists. When a parliament is dissolved, the people must proceed to the election either of the same or other Members; but whoever they elect will have the same unlimited power with their predecessors; and, although the persons may be changed, the constitution of the government and the rights of the governors and the governed are perpetual, and are no more changed along with the Members of parliament, than they are in Turkey, when one Sultan, in that military democracy, is deposed by his constituents the Janizaries, and another set up in his place. So far from the consent or opinion of the people of England being more particularly necessary in this species of legislation than in any other, that all who know any thing of the practice of parliament, must know that it is a constant rule not to admit any petition, however humbly conceived, against any bill in deliberation for levying money, while this

privilege

priviledge is allowed upon almoſt every other occaſion *. No Petition is admitted against a Money Bill because the Representatives are sent expressly to make such Bills, among other Business to be done for the People.

In order to ſhew in its utmoſt extent, and unembarraſſed by any accidental circumſtances, the frivolouſneſs of the vulgar notion that the people of England keep the poſſeſſion of their own purſes, and give their conſent to their own taxation by their repreſentatives; I have ſuppoſed that every ditcher in the country, and every chimney-ſweeper in town gives his vote for electing Members of the Houſe of Commons, Peers of the realm, and if you pleaſe, the King likewiſe, for the ſpace of ſeven years; and have ſhewn, that with all theſe ſuppoſitions, All mere quibbling!

* There are inſtances of petitions having been received, as in the caſe of the exciſe upon wine and tobacco, in 1733, and of the exciſe upon cyder, in 1763, which may be urged in contradiction to what is here aſſerted. But thoſe petitions were not admitted as againſt the taxes themſelves, but only as againſt the mode of collecting them.

This Author seems to like a Paradox. —

they would be taxed without their own consent, as much as if they lived under the Great Turk. After this it may seem superfluous and foreign to my purpose, to shew that this supposed *representation*, even with regard to the House of Commons, is very far from being true, and that the word *Virtual*, which has been clapped in, to supply this defect, has no meaning at all; but as this subject has furnished, and may still furnish matter for dispute, I cannot let it pass without some animadverfion.

Thus the English charge their Governors as well as the Americans. We were once told much of this Virtual Representation.

The first parliaments in England after the Norman conquest, were composed of these only who held lands *in capite* under the crown. They were few in number; being according to Dooms-day book not above 700, and might have all been assembled together in one place without any inconveniency.

By the time of King JOHN, the number of freeholders or tenants *in capite* was greatly increased, but that principle of their all having

having a right to be ſummoned to parliament, which we ſuppoſe to have been the original conſtitution, ſtill ſubſiſted; for thus we read in KING JOHN's Magna Carta: *and for holding the common Council of the kingdom for aſſeſſing aids or for impoſing ſcutages, we will cauſe to be ſummoned Archbiſhops, Biſhops, Abbots, Earls, and greater Barons, ſeparately, by our letters; and we will cauſe to be ſummoned, in general, by our ſheriffs and bailiffs, all thoſe who hold of us* in capite. This is the full account of the members of parliament according to Magna Carta, which, as it is underſtood to be a declaration of the common law of the land, and of the liberties of Engliſhmen in the beſt times, free from any abuſes that might have been before introduced, we may rely upon this deſcription as the genuine conſtitution of parliament at the time. But here is no *repreſentation:* every man who came to parliament, either by particular or general ſummons, came of his own right, as the peers do to this day; nor could the word or idea

of a *repreſentative* be known amongſt them.

There is reaſon to believe that the clauſe for calling by general ſummons the ſmaller barons or freeholders to parliament was inſerted into Magna Carta by the particular will of King JOHN *, in order to break and counteract the power of the greater Barons, who were at that time very troubleſome to the crown. Accordingly, in the Magna Carta of the firſt year of his ſon HENRY the III, the whole clauſe concerning the conſtitution of parliament is omitted, and inſtead of it is inſerted a ſort of notice *that this matter was by the advice of his Biſhops and great Lords reſerved for more mature conſideration.* But although there was a Magna Carta granted in the 16th, and another

* See the preliminary articles preſented by the Barons to King John, compared with his Magna Carta, in the appendix to an *Eſſay on the conſtitution of England*, ſecond edition, printed for T. Becket and P. A. de Hondt, London, 1766.

in

in the 18th of this King's reign; there is no farther mention made of it. Whether it was that the great Barons prevailed too much during this unhappy reign, to permit the ſmaller to take any ſhare with them in the legiſlative power, or whether their great number made their aſſembling impracticable, is what our ancient hiſtorians do not ſufficiently inform us. But towards the end of this reign the ſmaller freeholders were ordered to chuſe and ſend commiſſioners from each ſhire, to repreſent in parliament all thoſe who were abſent.

Here was a change in the form of parliament, but none in the principle. The knights commiſſioners repreſented the freeholders only, who, whether preſent or abſent, held the ſame place in the ſtate as under King JOHN's Magna Carta.

This method, however, of election, in order to carry on with more conveniency, what was in itſelf ancient and conſtitutional, gave hint for producing what was of a newer kind. There was one great acknowledged

and conſtitutional power in the ancient kings of England, without which it would have been impoſſible to have preſerved the government from being entirely ariſtocratical, and that was, the power of chuſing who ſhould come to parliament and who ſhould not; or, at leaſt, of adding what new members of parliament they thought fit. Almoſt at the ſame time that it was found uſeful to ſummon the ſmaller freeholders to appear by their commiſſioners; the King, by his letters patent, erected a few, we ſhall ſay, for diſtinctneſs, one borough, of thoſe which were of his own domain, and particularly dependent upon him, into a body corporate; and gave it, amongſt other priviledges, that of chuſing ſomething equivalent to a baron to ſit in parliament. But this elected baron repreſented nothing but his own townſmen; and if he aſſiſted in taking the money out of the purſes of other towns, which he certainly did, he muſt have done it by ſome other right than that of repreſenting them. And although this one baron was multiplied in the

the courſe of time to a great number, yet with regard to thoſe who do not chuſe them, they all ſtand upon the ſame footing with the firſt. But ſome of thoſe barons are of no more ancient ſtanding than the reign of King CHARLES the II. and ſome of the moſt opulent towns of England ſend none to this day; yet it never came into any bodies head to fancy that the money levied from them for the publick ſervice, was illegally and unconſtitutionally levied.

But to return to my freeholders. Were I to ſtop my hiſtory of Repreſentation here, my reader might poſſibly go off with an opinion, that it was a fundamental principle of the Engliſh conſtitution, that every freeholder ſhould ſit in parliament, either in perſon, or in the perſon of one whom he had concurred in chuſing. But this was not the ancient idea of this matter. The freeholders ſate in parliament as the POWERS OF THE STATE, and when they ceaſed to be powerful, they ceaſed to be qualified. This is manifeſt in the act of parliament of the 8th Henry

When Money was levied for the Principality of Chester by Act of Parliament in which they had no Representative, it came into the Heads of all the Bishops, Abbots, Barons, Knights and other Freeholders & Inhabitants, Clergy & Laity, that the Money was levied from them illegally. They told the King so, & he owned it. They told the Parliament so, and it came into the Par-

Lieutenants Heads to confess it, make the Remonstrance of that County a Preamble to the Bill by which Redress was given them.

Henry the VI. for reſtricting the number of voting freeholders to thoſe who were poſſeſſed of 40 *ſhillings a-year at the leaſt*; the preamble of which runs thus: *Whereas the election of knights of the ſhires to come to parliament of our Lord the King, in many counties of the realm of England, have now, of late, been made by very great outrageous and exceſſive number of people dwelling within the ſame counties of the realm of England, of the which moſt part was of people of ſmall ſubſtance, and of no value, whereof every of them pretended a voice equivalent, as to ſuch elections to be made, with the moſt worthy Knights and Eſquires dwelling within the ſame counties; whereby manſlaughter, riots, batteries, and diviſions among the gentlemen and other people of the ſame counties ſhall very likely riſe and be, unleſs convenient and due remedy be provided in this behalf* *. ✕

This

* By ſeveral circumſtances to be learnt from ancient records, it appears that ſending or being ſent to parliament was reckoned, if not a burthen, at leaſt a

privilege

✕ This Act was an infamous Breach of Truſt & violation of the Rights of the Freeholders, & certainly never by their Peers intended to empower their Repreſentatives to deprive them of their Right of Voting for Repreſentatives thereafter. —— The very next Act which

This act was very wisely intended to give a stability to the constitution, which, by a constant

priviledge very little worth the contesting with those who thought fit to claim it. For this reason the law was for some ages very loose and uncertain, as well with regard to the number of the representatives, as with regard to the number and quality of their electors, while a variety of other privileges, which now appear to us of much less consequence, were most jealously guarded by express statutes. There is no room to doubt but that the constituents of the Great Council or parliament were originally no other than the king's immediate vassals; but after the smaller sort of them came to be represented by a few persons elected at meetings called by the sheriff in the county town, others who held their lands, by free tenures, under other Lords, and who had been used to attend the county-courts upon other occasions, were, by degrees, under the common title of freeholders, jumbled amongst the King's tenants in the election of the county member. Nor would probably this growing abuse have been attended to, even in the reign of Henry the VI. as parliamenteering was still an unprofitable trade, had it not been productive of those dangerous tumults related in the above preamble.

In

conſtant increaſe of the conſtituents, was gradually changing; but unhappily by ſuppoſing a ſtability in the value of money, it produced an effect the very reverſe of what was intended. By the moſt moderate calculation, a piece of land which was then worth two pounds *per annum*, would be now worth twenty, ſo that there is a poſſibility

In Scotland, where the laws and conſtitution, formed anciently upon the model of thoſe of England, have not undergone the ſame changes, the King's tenants *in capite* are alone capable of electing, or being elected, Knights of the ſhires. They, though few in number, are the only perſons repreſented in parliament; and by a peculiar attention of the law of Scotland to their qualifications, they are, in great meaſure, the ſame claſs of men, who, by the ancient conſtitutions both of England and Scotland, were alone entitled to be conſulted in any act of legiſlation. Eſtimating the preſent rents of Scotland at only the double of their ancient valuation in the Exchequer rolls; one elector of a county member muſt hold, by a royal charter, as great a quantity of land as would qualify thirty-three voters in England, upon a like occaſion.

of

of there being now ten legal voters for a knight of the ſhire for one that there was in the time of Henry the VI. But although theſe are legal voters by the letter of the law, they are not ſo by the ſpirit of the ancient conſtitution, which plainly intended to lop off nine out of ten of them; and conſequently no argument can be drawn from their preſent multiplicity, with regard to the neceſſity of all freeholders being repreſented.

I paſs over the labourers, the farmers, and even the copy-holders of land, who have no vote in chuſing thoſe who impoſe taxes upon them; I paſs over the many inhabitants, even of thoſe towns which ſend members, who have no vote in chuſing thoſe members, or in chuſing thoſe who chuſe them, and haſten to examine what is called a *virtual repreſentation*, by which all thoſe notorious deficiencies in the real one are to be patched up.

Therefore the Consent of Landholders is not necessary. — Merchants, Manufacturers, &c. pay no Taxes really, but only apparently: for they rate their Goods in Proportion to the Consumers,

It is said that all the lands of England, being divided amongst the freeholders, they become by that means the *virtual representatives* of all those who live upon these lands; and by that *virtual representation*, have a right of giving laws to the whole, and to which the whole, by a sort of tacit or *virtual compact*, give their consent.

If this is a principle of government, it will be true in every application of it, and if it is not found true in every application, I would advise those who use it to lay it aside as a principle, and to look out for something else that will better bear this necessary test.

The freeholders, as ordered to be summoned to parliament by King JOHN's Magna Carta, were, it seems, the *virtual representatives* of every man in the kingdom. We do not know precisely what their number was, and the knowledge is certainly not at all necessary for verifying the principle of *virtual representation*, which will be equally true, whether their number be great or small.

They were poſſibly at that time two or three thouſand. Suppoſe they had been only ſeven hundred, as in the 20th year of the Conqueror, or ſuppoſe them ſeventy, or if peradventure they had been only ſeven, then theſe ſeven muſt be acknowledged to be the *virtual repreſentatives* of the whole. What ſignifies ſo much higling: let us come to the matter at once, and ſuppoſe all the lands held by one freeholder; as is actually the caſe in Turkey. Then is the GRAND SIGNOR *virtual repreſentative* of all the people of Turkey, their univerſal knight of the ſhire, and, in a moſt parliamentary manner, levies what taxes he pleaſes upon them, *by their own conſent.*

I would not here be thought to mean any reflection upon the GRAND SIGNOR or his rights; I am not, thank God, ſo great a bigot to the form of government under which I was born and bred, as to look upon any other form with contempt or abhorrence. Far from it. While that great prince exerciſes his rights for the order, peace, and happineſs of his people, he is the good and faithful

all Quibble. —

If the Grand Seignior is ſole Landlord he pays all Taxes out of his Rents, for the greater his Taxes the leſs he can otherwiſe receive of his Tenants, ſince the Property of the Earth is the only Source of Revenue

So it is by his own Conſent that he taxes himſelf. —

faithful ſervant of the truly ſovereign power, and merits the reſpect of all men, whether they receive any benefit from his ſuperintendency or not. What I find ridiculous in this proceſs, and what would never enter into the head of the moſt ſenſeleſs Muſſulman, is, that he ſhould enjoy theſe extended rights over his people by the unintelligible and uſeleſs fiction of being their *virtual repreſentative*.

I have taken a great deal of pains to ſhew that the notion of people conſenting to their own taxation is contrary to the nature of government, and unſupported by any fact. I have been at pains to ſhew that the notion of the legiſlative power acting by virtue of repreſentation, is no principle in the Britiſh conſtitution; and I have finiſhed by ſhewing that the words *virtual repreſentation*, either mean nothing at all, or mean a great deal more than thoſe who uſe them would be willing to admit: and yet, after all my pains, my

A most impudent Aſſertion!

A Scotchman by this Phraſe.—

How comes it then, that the Commons only, who are choſen by the People, grant Money, & lay Taxes?

2

They would once have us Americans ſatisfy'd with this Notion of virtual Repreſentation: But having made them aſham'd of it, they now tell us there is no ſuch thing in the Britiſh Conſtitution as Repreſentation.

my American antagoniſts are as much out of my reach as before.

The truth is, that having heard them ſo often repeat that they were Engliſhmen, entitled to all the rights of Engliſhmen, ſo as to be taxed, like Engliſhmen, *by their own conſent:* I was miſled to believe that they wanted to be repreſented, like other Engliſhmen, in the Britiſh parliament. But upon a cloſer examination, I find they have no ſuch meaning. *Each American colony*, ſay they, *has a parliament of its own, though we have hitherto called them only aſſemblies: each has its houſe of Commons choſen by the people, and which has alone the right of raiſing money from them; each has its council or houſe of peers; and each has its King, to wit, his Majeſty King* GEORGE *the* III. *who, as he cannot preſide in ſo many parliaments at once, is repreſented in each by his Excellency the Governor. We did not*, ſay they, *ſail the wide Atlantic Ocean, to leave the free conſtitution of England behind us; no, we carried it along with us, and*——

There cannot be imagined a queſtion more important for the ſafety and happineſs of mankind in general, than that which is the ſubject of theſe ſheets, and yet there is perhaps no queſtion, the ſolution of which requires leſs learning and ſubtlety, nor any, which is more within the compaſs of a plain and ſound underſtanding. The principles upon which it is to be diſcuſſed are univerſal, comprehenſive, and applicable to every poſſible caſe; and every oppoſition to them is immediately reducible to a falſity in point of fact, or an abſurdity in point of reaſoning.* If there is found any difficulty in applying them to the preſent caſe of America, it ariſes only from this, that the Americans are either not able or not willing to tell us with any degree of firmneſs and conſiſtency, what they are, and what they would be at. One moment they deſire no more than what belongs to every Britiſh ſubject; the next they refuſe to be taxed like other Britiſh ſubjects, and each colony requires a parliament of its own. At one time they acknowledge

Yours does not seem to be such

This excellent Principle is, that Power gives Right. A Right, to judge, think & act as it pleases. Mere Aſſertion without the least Proof.

A Falsity! They were always taxed like other British Subjects by their own Representatives, and are willing to continue so to be taxed.

When an American says he has a Right to all the Privileges of a British Subject, he does not call himself a British Subject, he is an American Subject of the King. The Charters say they shall be entitled to all the Privileges of Englishmen as if they had been born within the Realm. — But they were

acknowledge their ſubjection to Great Britain[x]; and almoſt in the ſame breath, endeavour to prove that each petty colony has a right to be her equal.[xx] One moment they bar all conſiderations of force from being admitted in deciding the rights of ſovereigns and ſubjects; and the next endeavour to eſtabliſh what they call their rights by a variety of outrages, ſuch as were never imputed to any eſtabliſhed government of the moſt arbitrary kind.[†] At one time an American claims the rights of an Engliſhman; if theſe are not ſufficient, he drops them[x], and claims the rights of an Iriſhman; and, when thoſe do not fully anſwer his purpoſe, he expects to be put upon the footing of a Hanoverian.

To ſupport, by turns, this variety of contradictory pretenſions, a variety of principles no leſs contradictory, are by turns produced. Firſt they try to found the extraordinary privileges they claim upon *birth-right*; but when they are ſhewn that by *birth* they had no *right* to deſert their native country,

[x] Only to the King.

[xx] This is an invidious Turn. indeed have equal Ri

[†] Here the Au of one or two A are aſcribed to whole People of rica. If this i then aſcribe th Actions of Wi Mob to the wh People of Bri

[x] who did ever drop them He has under by his Right of an Iriſhman a Hanoverian, be governd by his own Prince & L Laws of his ow Country, and n by the Parliam of Britain.

[†] Coke has ex ſhewn them t has the Ri

Does not all Hiſtory ſhew the contrary? they Have not all Mankind in all Ages of deſerting their Native Country when made uneaſ in it? Did not the Saxons deſert their Native Country when they came to Britain? & is not Tyranny in Government to make Priſoners of its Subjects, & is not contrary to their Rights? — Will a Scotchman tell this

Country upon Earth? Could there possibly be more than one legal Government in the World at the Time if this Doctrine is true? Must not all Nations but one first be Defective?

they drop the birth-right, and bring forth their *charters*. When they are ſhewn that theſe charters are no other than what are given to every common corporation and trading company, they then ceaſe to be charters, and become all at once *compacts*.† At one time it is the love of liberty that made them take ſhelter in thoſe diſtant climes, from the *tyranny of prerogative*;* yet when we aſk them with whom they made thoſe *compacts* juſt mentioned; they tell us, with a King JAMES or a King CHARLES. How muſt the great ſhades of ALGERNOON SIDNEY and JOHN LOCK exclaim, how muſt they rage in their independent manſions, to hear that there ſhould be *Engliſhmen* who pretend to read and admire their writings, and yet underſtand them ſo little as to own that they had entered into a *compact*, or as theſe patriots would call it, a *conſpiracy*, with a King, in order to obtain a diſpenſation from the laws of the land, and the authority of parliament!§ The reſt of this Pamphlet is much in the ſame ſtrain.

Shameful Falſity! When did they ever drop their Birth-right?

When were they known this? — Are Charters exempting the Receivers from the Laws in being, empowering them to make new Laws & Diſcoverers, to make War, puniſh with Death, &c. given every common Corporation? —

† And Contracts they are & ever were.

* [redacted] ſpeaks his repreſentation. It was to enjoy Liberty of Conſcience, and Freedom from tyrannical Acts of Parliament, that they went to a Country where neither the Power of Parliament nor of Prerogative had any Exiſtence, and where Kneeling on the Communion Table was not required.

§ The Diſſenters, who would continue to own him as their Sovereign, was contented to limit the Extenſions of his Prerogative by ſolemn Charters.

© Theſe great Men he treats with great Contempt in a former Part of this Pamphlet, calling their Opinions the idle Dreams of Metaphyſicians, and the ſubtle Hypotheſes of ſubtle Writers. It is the Character of the Scotch to be contemptuous.

The assertion that these charters are not charters, but *Pacta conventa*, is brim-full of absurdity. For, passing over the manifest illegality already hinted, of one part of the sovereign power dispensing with the authority of the whole; the whole sovereign power could not, by the nature of things, enter into any indefeasible compact of that sort. Nor is this more to be considered as matter of reasoning than as matter of language. *Sovereignty* admits of no degrees, it is always *supreme*, and to level it, is, in effect, to destroy it; I mean with regard to those who suffer it to be levelled: for, as to sovereignty itself, it is unsusceptible of destruction; and, like the sun, only sets in one place, that it may rise, with full splendour, in another. *Pacta conventa* cannot, with any propriety, subsist, but amongst parties independent of one another; nor are they then of much significance, unless there be, at the same time, some despotick power provided, for explaining any difficulty that might arise concerning the several conditions of

of the agreement, and for enforcing the observance of them. Without such an effectual arbitrator, a covenant between two independent powers, is no other than a Treaty, which is no longer to be relied on than while it suits with the conveniency of both the parties to observe it. In case of any misunderstanding, there lies no appeal but to the God of battles, whose decision only suspends the suit till a future term, when the party that was cast may find the means of entering a new action. *

* And so it seems the case whoever he, whose decision in his favour, is really the Right; & the successful Claim is never wrong, & the Cesarchi condemns p. 6. was as good a Man as Marcus Antoninus.

But enough of these abstractions. One good example of a real covenant between two sovereign states will give more light into the nature of *Pacta conventa* in general, and may perhaps contribute more to elucidate the particular subject of this paper, than a thousand pages of general reasoning and description.

Since the creation of the world there never was a more voluntary, more deliberate, more legal, and more solemn paction than

than that which was made by the union of the two ancient and independent kingdoms of England and Scotland; nor any whoſe articles had a better title to be religiouſly obſerved. But immutability in human affairs is contrary to the nature of them, and every attempt to produce it, is an attempt to counteract the providence of God by the wiſdom of man.

In this ſolemn paction there was one article abſolutely neceſſary for binding and cementing the whole, according to the general intention of the covenanting parties; but which at the ſame time threw every other particular article looſe. I mean that article which ſettled the conſtitution of the Britiſh parliament, and gave it as abſolute and ſupreme an authority, to decide in all the concerns of the now united kingdom, as the ſeveral parliaments had in thoſe kingdoms when ſeparate. To this uncontroulable power was entruſted, amongſt other things, the guardianſhip of the other articles of the union, with the ſole right of explaining

A Hiſt. of K. Scotts Laws.

their meaning and intention, in caſe any doubt ſhould ariſe concerning them; without reſerving to any man, or any number of men, the leaſt right to rejudge their judgments. To actuate this great body, and to procure a perfect and laſting union, ſuch a directing ſoul was abſolutely neceſſary; and that ſuch has been the idea always conceived of it, by the wiſdom of the united nation, will appear by the following inſtance.

In the year 1725, an act paſſed in the Britiſh parliament for extending the malt-tax to Scotland, where a malt-tax was as new as a ſtamp-tax was laſt year in America. This innovation had been objected to on a former occaſion *, by many of the Scottiſh peers and members of parliament, ſupported by others, who, for the ſake of oppoſing the adminiſtration, pretended to take a ſhare in their grievances, and joined with them in declaring this tax a breach of the articles

* In the year 1713.

of

of the Union, which, they ſaid, parliament had no right to infringe, it being upon thoſe *Pacta conventa* that the authority of the Britiſh parliament itſelf was eſtabliſhed; and that they being broken, the *original compact* was diſſolved. In anſwer to this it had been ſaid; that nothing was meant againſt the Union or its articles, but that it was apprehended the tax propoſed was entirely within the ſpirit and intention of thoſe articles; and whether it was or was not, could only be determined by the majority of both houſes with his Majeſty's concurrence. It was accordingly voted a legal as well as expedient mode of taxation.

But many of the people in Scotland judging in this matter very differently from their rulers; declared the tax to be illegal, and ſwore they never would conſent to the payment of it; never conſidering that their pretenſions to infallibility were no better founded than thoſe of the Britiſh parliament, and that their pretenſions to authority were much worſe. Nor did they content themſelves with

with this verbal denunciation, but when the officers attempted to levy the tax, they put them to flight with blows and inſulting language; at the ſame time pulling down the houſes, deſtroying the furniture, and threatning the lives of ſuch of their countrymen as had concurred in paſſing the Act. What would our American friends have adviſed government to do in this caſe? To repeal the Act, becauſe the Scotch mob pronounced it illegal; or to try by pamphlets, or by repeated letters in the Daily Gazetteer, to convince them they were in the wrong? No, this folly and outrage was treated in a manner much more conſiſtent with the nature and dignity of parliament, which requires from ſubjects obedience, and not reaſoning. There were ſent to Glaſgow, where the pretended ſtandard of liberty was ſet up, ſome companies of foot, and ſome troops of dragoons, with a ſenſible and ſpirited officer at their head, who, *pulveris exigui jactu*, ſoon brought thoſe miſtaken reaſoners to a better underſtanding concerning the rights

Would you charge Hoſe Riots to the Head of all Scotland, as you do Hoſe in Boſton to all the Americans? p. 51.

Troops have alſo been ſent to Boſton; but with what Effect? they have made the matter worſe.

rights of the ſupreme legiſlature, than all the eloquence of CICERO or MANSFIELD, without ſuch an accompaniment, could have effected.

This the gentlemen of America will ſay is *club law*. I will not diſpute it. They may call it by what name they pleaſe, but there never was a queſtion of ſupremacy decided by any other ſort of law. † Thoſe who try to ſeparate law from force, attempt impiouſly to put thoſe aſunder whom God has been pleaſed to join; and as the reaſonings of ſuch men are never correſpondent to any facts that have gone before; ſo are their own actions never correſpondent to their reaſonings. Is it to argument or club law, to which the *reſpectable populace* of Boſton and Rhode-iſland truſt the juſtice of their cauſe? Is it argument to demoliſh the houſes or deſtroy the goods of thoſe who differ from them in opinion; or is it argument to carry them to *the tree of liberty*, and there oblige them to take God to witneſs to ſentiments not their own, for fear of being immediately

† This is telling us, they will not not reaſon with you, but they will cut your throats.

It is fair to put this Change upon the Public, and introduce the Mob and their Petitions, inſtead of the Aſſemblies & their Petitions Remonſtrances & ſolemn Reſolutions?

immediately put to death? These are outrages which none but the most ignorant and distempered imaginations could ever dread from any kind of established government, and yet are committed by those, who, in the very height of their riots, complain of cruel and arbitrary exertions of power in the mild government of Great Britain, under the most just and humane of Kings.

In the course of this enquiry I have often used the word *Colony*, in speaking of those parts of the British empire which lie on the other side of the Atlantick ocean, and have done so in compliance with the present mode of America, upon a supposition that the essence of things being known, the terms to express them become matters of indifference. But this, I acknowledge, is a very ill grounded supposition, and to proceed upon it extremely dangerous: for nothing is more serviceable to the cause of falsehood than the admission of improper terms, which, though at first admitted only as counters, having received

received a currency, will be afterwards tendered to us as ſterling coin. By virtue of this heathen word *colony*, the example of Roman colonies has been urged in favour of American claims; and when theſe have not been found perfectly favourable to independency, recourſe has been had to Greek colonies, which, indeed, had little other relation to their mother-country, than a ſort of couſinſhip, ſuch as the Jews, in the time of the Maccabees, claimed with the Lacedemonians; claimed when they ſtood in need of their aſſiſtance, and perhaps was never mentioned by them either before or ſince. But all this parade of Greek and Roman learning comes to nothing, when we are informed that the diſtricts in queſtion are not properly *colonies*[x] either in word or in deed. Their moſt ancient Engliſh and legal name is *plantations*, and they have always been, in fact, *provinces*,[†] governed by a lieutenant or governor, ſent by the King of Great Britain, and recalled by him at pleaſure. Nor are they entitled to participate of thoſe many

6 advantages

Well acknowledg'd

x A Miſtake then in the Acts of Parliament that call them ſo.

† A Province, ſtrictly ſpeaking, is a Country conquered, therefore not ſo applicable to the Settlements in America, as conquered People living in them. —

advantages which they enjoy as Englishmen by virtue of their British descent, but from a much more solid and rational principle, their being faithful subjects of Great Britain; † since the same advantages are by law expressly communicated to such of them as were born in Westphalia and the Palatinate, and who never set foot upon British ground till they meet with it on the other side of the Atlantic. † In these and in many other respects they are widely different from either Greek or Roman colonies; so that whoever is really acquainted with the affairs of those ancient nations, must without difficulty perceive, that the Americans have preferred the word *Colony*, for the sake of assuming along with it a degree of independency, which from the words *plantation* or *province*, could not be so easily derived. ××

The plain truth is, that those countries, let them be called *plantations*, *settlements*, *colonies*, or by what other name they will, are, from their nature and situation, only subordinate parts in the empire of Britain, †

† Here the Author (and most of those Writers do the same) bewilders himself by admitting an improper Term. See P. 60. They are Subjects of the King. The People of G. B. are Subjects themselves. They are not Sovereigns. They have no Subjects.

† But what signifies this Law, since you tell us, p. 53. That the whole Sovereign Power cannot make such a Compact.

×× Names are of little Importance in this Question.

† Here is the Authors great Mistake repeated. and Britain is not an Emperor. The are Parts of the King's Dominions, as the Provin in France were, as Scotland was before the Union, a Jersey, Guernsey & Hanover are still; to be Governed the King according to their own Laws & Constitution, and not Acts of the British Parliament which the Power of wither the People

and such they would necessarily continue, though perhaps in a much lower degree, under some other powerful European state, in case their more safe and honourable tie, with what they are still pleased to call, their *Mother Country*,† should happen to be dissolved.

I shall therefore conclude with saying, that the separation of Great Britain from her American appertinencies would be destructive of the prosperity and liberty of both. If so, it seems to follow that till such time as New England is strong enough to protect Old England, and the seat of the British empire is transferred from London to Boston, there is an absolute necessity that the right of giving law to America,* should continue to be vested in Great Britain. That it is the interest of Great Britain to protect and cherish her American provinces instead of oppressing them, is an undeniable truth; and it is, perhaps, no less true, that some farther attention, and some farther means of

5 communication,*

The Necessity is merely imaginary.

† They wish to call her by that endearing Appellation; but her late Conduct entitles rather to the Name of step-mother.

The Protection is mutual and equal in Proportion to Numbers & Wealth, as present.

* Not the least Necessity for this. —

† Stick them to that Truth.

* Consider then what those should be?

communication, are ſtill wanting to that deſirable end: but let every true friend to Britain and to all her connexions ſtand forth in defence of her great legiſlative uncontroulable power, without which no union, and of courſe no ſafety, can be expected.

FINIS.

This Writer is concise, lively, & elegant in his Language, but his Reasonings are too refined and Paradoxical to make Impression on the Understanding or convince the Minds of his Readers. And his main Fact on which they are founded is a Mistake. ——

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